

**GOVERNMENT  
THROUGH  
CONSULTATION  
ADVISORY COMMITTEES  
IN  
INDIAN GOVERNMENT**

*By the same author:*

- ( i ) *Public Administration (under co-authorship).*
- ( ii ) *Indian Administration.*
- ( iii ) *The Evolution of Indian Administration.*
- ( iv ) *Local Government in India.*
- ( v ) *The General Election in India.*
- ( vi ) *The Administrative Reforms Commission.*
- ( vii ) *लोक प्रशासन (under co-authorship).*



# GOVERNMENT THROUGH CONSULTATION ADVISORY COMMITTEES IN INDIAN GOVERNMENT

(Thesis approved by the University of Delhi for the  
Degree of Doctor of Philosophy)

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To

the most sacred memory of my Father

**SRI MUNIRAJ MUNDRA**

(कार्तिक पूर्णिमा सं० १९५४—मार्गशीर्ष शुक्ल पंचमी सं० २०२८)

(9 November 1897 — 22 November 1971)

## Foreword

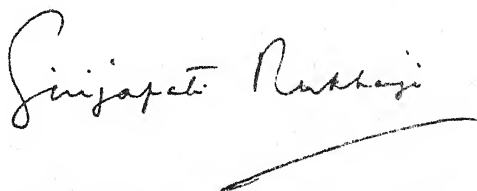
Modern governments, even of the totalitarian type, have to remain in close touch with the people. In a democratic polity, the need is all the greater—public opinion has to be consulted on all matters of major policy. The community has a right to ask for information and to expect that its needs and aspirations shall inform government policy. The greater the communication between the people and the government, the easier would be the implementation of programmes through more animated public participation. Consultation, therefore, becomes a necessary adjunct of the civilised system of government: consultation in an organised sense with informed and responsible public opinion—prior to and during policy formulation, implementation and evaluation. It necessarily implies making available to those consulted the time, the opportunity, the information and the facilities needed to educate and prepare themselves for the task. Else, it would degenerate into a fatuous ritual at the expense of the tax-payer.

Bureaucracy the world over, in spite of its many outstanding virtues

is more willing to teach than to learn (it needs to unlearn quite often !) and so are its rigid cadres and hierarchies structured and its codes of conduct and in-ward looking traditions built that it fights shy of consultation outside its fold. Be that as it may, senior civil servants at the field level, particularly wise district officers, had and continue to have their own devices for keeping in touch with public opinion. With Independence the political levels of government have begun to feel the compelling necessity of consultation and various ways of achieving this on a stable and continuing basis have been and are continually being devised—a process which the author has justifiably commended.

In this book Dr. Maheshwari has focused attention on the advisory committees which have been formally established to advise the central government. He has succinctly enunciated the *raison d'etre* of advisory committees and gone on to trace their genesis and evolution and to analyse their functioning and impact on policy-making and its implementation. The study is further enriched by a description and analysis of the methods of appointment of committees and their members, their terms of reference, their size, the tenure of office of members, the frequency of meetings, etc. His attempt to classify an assortment of over five hundred such committees has been quite a *tour de force*.

Scholars of political science and public administration and practising administrators will feel grateful to Dr. Maheshwari for having made the fruits of his laborious research available to them with such competence and thoroughness.



( GIRIJAPATI MUKHARJI )

*Director*

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15 JUNE 1972

## Preface

Advisory committees have been ushered into existence almost unsung. Although they have been growing in number and, also, in importance, and today well exceed the figure of 500, there has been so far no attempt to study them. The present study, originally submitted to the University of Delhi as a doctoral dissertation under the title of 'Advisory Committees in the Central Government', is the first effort to discover an important and expanding area of administrative action. It covers the period till 1962 to coincide with both the dissolution of the Second Lok Sabha and the parliamentary reply on the number and names of advisory committees in the Central Government. It discusses advisory committees functioning at the central level, and, thus, leaves aside their counterparts at the state level. Further, it takes into account the committees of a standing nature, omitting from purview *ad hoc* bodies. It has not been revised, which might entail a risk of its being rated by some as slightly out-dated. The author weighed this possible criticism, but felt, rightly or wrongly, that it was only fair to publish

it in its 'pristine' form—as it was submitted as a doctoral dissertation.

Published material on this subject has been meagre. As the proceedings of most of the advisory committees are treated as 'confidential', it was only after special permission of the various government departments that access could be had to them. A perusal of these proceedings was followed by interviews with selected civil servants, members of advisory committees, and the Members of Parliament. The author has also been benefited by the permission to attend the meetings of some advisory committees, and have, accordingly, drawn upon his personal observations in describing some of the aspects. The present study is consequently the outcome of three different though, no doubt, closely related tools of methodology: study of published literature on the subject, perusal of 'confidential' proceedings, and personal interviews and observations. Obviously, necessary references could not be given where the requisite information has been derived from confidential proceedings.

The present study owes its successful completion to many.

The author is thankful to the Indian Institute of Public Administration for the opportunity it gave him for working on this subject by awarding him during 1960-3 a Senior Research Fellowship. In particular, he is grateful to V.K.N. Menon, then Director of the Indian Institute of Public Administration and Principal of the Indian School of Public Administration, for the personal interest that the latter consistently took in this work. He is thankful to A. Avasthi, then Professor of Public Administration at the Indian School of Public Administration, who acted as supervisor of this work. Brajeshwar Prasad, Member of Parliament during this period, took considerable interest in this subject, and shared with the author his experience of advisory committees; to him the author offers his thanks. The author is under a debt of obligation to P. K. Rai, then Principal of P.P.N. Degree College, Kanpur, for his going through the manuscript and making numerous comments and suggestions. He is beholden to Girijapati Mukharji for agreeing to contribute the Foreword to this work.

Thanks are also due to the different ministries of the Central Government for the facilities they accorded the author in collecting the necessary relevant material and to numerous civil servants for their help and cooperation in patiently answering to his queries. Committed as they are to anonymity, these public functionaries would not like to be individually named here.

BASANT PANCHMI

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31 JANUARY 1971





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*PART ONE*  
**GENERAL**





# 1

## Prologue

THE responsibilities of government in this century, especially after world war I (1914-18), have enormously increased, not only in India but everywhere. This unprecedented increase of governmental functions is partly accounted for by a change in the role of government in society today, and partly by the increasing complexity of society itself as the result of progress in the field of science and technology. These two factors cannot, however, be segregated, for both are closely inter-connected and even inter-mingled. The cumulative effect of the operation of these factors has been, as already stated, a vast accretion of governmental work with consequent diversification demanding technical and specialized knowledge for its performance. The government has become in consequence of this a vast apparatus which, however, is not a self-sufficient organism. It has, to an increasing degree, to look to outside elements noted for the possession of technical and specialized knowledge and experience for constant counselling in order to make its techniques, processes, and thinking keep pace with the latest

developments in the specialized fields. The government is not the only repository of expert knowledge and experience, there being, perhaps, more experts outside the government than inside it.<sup>1</sup> Since the need is continuously felt, it is best met by devising some institutional arrangement whereby the experts are formally consulted on matters concerning their specialized domains. As the ultimate responsibility for the acceptance or otherwise of this advice rests with the government, this institutional arrangement is advisory in nature. The need for advisory committees consisting of the expert element is felt in all types of governments and is not the speciality or peculiarity of a democratic government only.

The importance and popularity of advisory committees, however, stem from their identification with the democratic principle in administration. The government is increasingly regulating, controlling, and influencing the lives and well-beings of the citizens. As society becomes more and more complex, the governmental net also widens. Consequently, the governmental control has become all pervasive,<sup>2</sup> and the impingement of authority over the individual is enormously great. To keep the exercise of authority serve the needs and requirements of the 'governed' has been the historical dilemma of all governments, and, to this end, a modern democratic government seeks to associate the representatives of various interests, both functional and territorial, with the processes of policy-formation as well as with the stages of implementation of policies. Advisory committees, thus, provide for increased popular participation in several phases of governmental activities, and may, therefore, be treated as an extension of the democratic principle. They, indeed, are one of the principal means by which satisfactory relationship may be developed between the bureaucracy and the lay public.<sup>3</sup>

<sup>1</sup> The government can, of course, claim to be repository of knowledge and experience in those fields whose activities are not duplicated outside it.

<sup>2</sup> Ordway Tead rightly reminds us: "In an almost literal sense most of us, certainly in urban life, live and move and have our being as administering, as being administered, or at least as the beneficiaries of administration." *Administration: Its Purpose and Performance*, New York, Harper & Brothers, 1959, p. 2.

<sup>3</sup> Bertrand Russell rightly warns: "Power, like vanity, is insatiable. Nothing short of omnipotence could satisfy it completely. . . . Since power over human beings is shown in making them do what they would rather not do, the man who is actuated by love of power is more apt to inflict pain than to permit pleasure. If you ask your boss for leave of absence from the office on some legitimate occasion, his love of power will derive more

(Continued on next page)

The solicitude and need for advice is felt in all governments, though, understandably enough, the devices vary. A British study comments: "All governments need advice, but the means and groups that they consult are various."<sup>4</sup> In a given situation, thus, there are several layers and types of arrangements to ensure a regular flow of advice. In India the executive power of the union is vested in the president;<sup>5</sup> and, formally speaking, the Council of Ministers, with the prime minister at the head, exists "to aid and advise the President in the exercise of his functions".<sup>6</sup> However, the President is the nominal head, and all powers are, in practice, exercised by the cabinet. Except in important matters, the decisions are taken by the ministers individually. The ministers are, thus, the policy-makers either individually or collectively as members of the cabinet headed by the Prime Minister. This layer of advisers is, thus, the real executive, and the words 'to aid and advise' are, to this extent, misleading. In their multifarious tasks the ministers are advised by the permanent civil service which is also concerned with the execution of policies. In a real sense, therefore, the civil service, particularly the higher echelon of it, is the permanent adviser of the minister. In practice, the civil servants have daily to take numerous decisions bearing on the lives and well-beings of the citizens. Sheer volume and complexity of work makes the minister devolve responsibilities upon those functioning under him. The civil servants, who are experts in their several fields, are, thus, the recognized counselors of the ministers. The higher echelons of the civil service are, therefore, the second layer of 'advisers'. The President, the ministers and the civil service constitute the government and, consequently, the two layers of 'advisers', described above, are an integral part of the administrative system.

Administration now is no longer a self-contained system, particularly when the tasks of a modern government have multiplied enormously. "The organized government comprehends in some way,

*(Continued from previous page)*

satisfaction from a refusal than from a consent. If you require a building permit, the petty official concerned will obviously get more pleasure from saying 'No' than from saying 'Yes'. It is this sort of thing which makes the love of power such a dangerous motive."

*Human Society in Ethics and Politics*, London, George Allen & Unwin, 1954, pp. 163-64.

<sup>4</sup> PEP Report: *Advisory Committees in British Government*, London, George Allen & Unwin, 1960, p. 1.

<sup>5</sup> Article 53 of the Constitution of India.

<sup>6</sup> Article 74 of the Constitution of India.

it impinges upon and is affected by practically everything that exists or moves in our society. It involves policies and actions of immense complexity. Its fullest possible understanding requires the wisdom of the anthropologist, the historian, the economist, the sociologist, the political scientist, the farmer, the labourer, the merchant, the industrialist, the banker, the politician, the philosopher and many more.”<sup>7</sup> The wide sweep of governmental functions highlights the continuing need for consultation and contact with non-governmental elements. True, the government has its own experts and specialists. Despite these, and, also, partly because of them, it has to seek the advice of those who have devoted time and labour to acquire special skills, but who do not belong to the civil service. There are probably more experts without than within the government. This calls for the creation of some channels to ensure a regular flow of advice from outside the civil service. “Advisory committees have as one of their valuable functions the linking of the scientific expert inside the civil service with his colleagues outside the service and ensuring that the best advice is available to the government from both sides.”<sup>8</sup> Besides, with the progressive acquisition of new functions and annexation of new boundaries the government has perforce to seek enlightenment from those who have had first-hand knowledge and experience of these newly acquired spheres. This general urge coincides admirably with the democratic principle of giving a hearing to those affected, or likely to be affected, by the governmental regulations. In practice, this democratic spirit and the practical exigencies of the situation may be indistinguishable. R. V. Vernon comments upon this in detail:

“But the extension of government activities calls imperatively for alteration in technique if not in doctrine. . . .No conscientious civil servant reaches a decision, or proffers advice on which the decisions of ministers may be based, without a study of ‘previous papers’. When, however, government has annexed new provinces or invaded new territory, there are no previous papers in its registers, no precedents to serve as guides (or warnings), no experience won by its functionaries in the past . . . .There must be guesses, experiments, perhaps even gambles; and from such things the civil servant shrinks. . . .The recognition of such circumstance led, during the

<sup>7</sup> Appleby, Paul H., *Big Democracy*, New York, Alfred A. Knopf, 1945, p. 6.

<sup>8</sup> Wheare, K. C., *Government by Committee*, Oxford, Clarendon Press, 1955, p. 53.

war of 1914-1918, to the establishment of consultative and advisory committees which brought perhaps reluctant initiator of new government interferences into close association with the persons who were at home in the enclosures which he proposed to invade, were fully acquainted with their history in the past, were likely to be affected by their control in the future and were in a position to contribute cooperation which was vital or obstruction which might prove fatal to the application of the methods and expedients which he contemplated.”<sup>9</sup>

Practical considerations also, therefore, underlie the solicitude for advice from elements outside the civil service. Finally, the regard for, and acceptance of, the democratic principle calls for the association of interests, functional and otherwise, with policy-formation as well as with the implementation thereof. This seeks to win for the policy the consent, or, at any rate, acquiescence, of those who are affected, or likely to be affected, by it. This inclination is naturally quite widespread in a democracy, and has acquired an added focus in the context of massive developmental projects undertaken by the government wedded to the socialist pattern of society and the ideal of a welfare state. In short, all this points to the necessity of devising formal institutional channels for seeking advice and consultation from outside the government.

The general need for advice and consultation spells itself out in a number of devices. One such mode is that of seeking advice and consultation of certain individuals in whom the minister may have reposed trust and confidence. In the nature of things, this is an informal arrangement subsisting on a purely personal basis. To cite an example, Howe and Hopkins were among the most trusted counsellors of President Franklin D. Roosevelt<sup>10</sup> in the United States. Nearer home, Mahatma Gandhi's advice was most sought after by the Congress government, both at the centre and in the states, until his death in 1948. In point of fact, he emerged as the *de facto* executive, which itself is a measure of the esteem in which he was held by the country and the government of independent India. Secondly, certain *ad hoc*

<sup>9</sup> Vernon, R. V. and Mansergh, N. (Ed.), *Advisory Bodies*, London, George Allen & Unwin, 1940, p. 20.

<sup>10</sup> Gunther, John, *Roosevelt in Retrospect*, London, Hamish Hamilton, 1950, pp. 93-95.

arrangements are made to enable the administration and the interested parties to exchange views on a certain issue and make each other familiar with their respective standpoints. The consultation takes place in the immediate background of some problem, and as a result a certain sense of urgency informs the deliberations making the proceedings business-like. Thus, in the wake of food scarcity in 1957-58 the Central Government convened a meeting wherein the representatives of the grain dealers were invited to discuss the apparently grave situation and to find out ways of tiding over the crisis. Such an arrangement seems to have commended itself to the British Government in India as well, as the latter used to convene such meetings whenever necessity arose.<sup>11</sup> Still another mode of seeking advice and consultation is through committees, called advisory committees—the theme of the present work. In sharp contrast to the *ad hoc* arrangements, discussed in the earlier paragraph, the committees, as a recent study points out, possess four virtues—‘regularity, comprehensive personal contact, convenience and formal commitment’.<sup>12</sup> The committees meet regularly, though, to be sure, there is a variation in the frequency of meetings. Some meet once a month while there are others which meet at longer intervals. This makes for continuity of approach and facilitates systematic handling of affairs. The committee follows up the recommendations made in the earlier meetings and is, thus, in a position to check up consequential action. Secondly, a committee provides for, as no other mode does, the representation of important interests and the expression of a wide

<sup>11</sup> Our view is supported by Sir Arthur Cunningham Lothian, who has given an account of such arrangement made during the Great War (1914-18). As a result of increased German activities in the Bay of Bengal, panic spread among the jute-growers and the price of raw jute fell below the cost of production, thus, hitting hard the jute-growers while the jute merchants were making ‘fantastic profits’ by getting high prices for their jute though purchasing it at abnormally low prices. Something had to be done to counteract the panic. Sir Arthur continues: “A meeting was called in Dacca by the commissioner attended by local officials and leading non-officials. The procedure adopted was to broadcast a circular in Bengali over the signature of the Nawab of Dacca and the leading Hindu pleader, both non-officials . . . advising them (the cultivators) to cease selling their jute at panic prices. The circular had an immediate effect and raw jute stopped coming into the market. The jute merchants of Narainganj and Calcutta were irritated at this stoppage, and, as a copy of this circular first came to their notice in Munshiganj, they started pillorying me in the press, accusing the government in my person of violating the promise they had made at the beginning of the war not to interfere with trade . . . . A meeting was accordingly held to discuss the question between the government officers concerned and the leading representatives of the jute trade. . . .” (Lothian, Sir Arthur Cunningham, *Kingdoms of Yesterday*, London, John Murray, 1951, pp. 19-20).

<sup>12</sup> *Advisory Committees in British Government*, *op. cit.*, p. 86.

variety of points of view, thereby, making policy-formulation comprehensive and broad-based. Thirdly, it is a convenient forum particularly when the need is to effect reconciliation of different points of view. A committee ensures that each viewpoint and interest is exposed directly and simultaneously to other interests and points of view, maximising, in the process, the opportunities for frank and free exchange of ideas and information. Further, it is a ready instrument and may be summoned at short notice. Lastly, the committees arrive at decisions which reflect the collective wisdom of its members. There is, thus, a greater degree of sanctity attached to the recommendations of a committee.

Nevertheless, the advisory committees do not seek to supplant the more informal modes of seeking advice and consultation. The need for informal advice is well recognized and one can hardly improve upon the analysis offered in the same study. The study remarks:

"In some circumstances a preponderance of informal advice is necessary and permanent, for it is obviously suited to the great quantity of minor issues that arise constantly; and it is essential for many urgent matters where there is no ready-made committee. But it also serves well when the issue is narrow enough to concern only two parties—the government and one outside organization—or when the advice needed is specialized enough to be provided by one or two experts. Informal advice can be more confidential. It is not announced and thus its existence as well as its contents are kept private. Soundings about draft legislation or changes in government policy can thus be made more discreetly by informal methods. Finally, informal contact is used for residual matters and for anything which will not wait for the next committee meeting—if advice is not readily available by established machinery then it must be sought by methods of direct contact."<sup>13</sup>

Be that as it may, the formal advisory committees have come to acquire a recognised place in the machinery of government. In contrast to *ad hoc* arrangements, they are more systematic and thorough. A certain amount of publicity which is inevitably given to an advisory committee is bound to imbue its members with a sense of public responsibility. The members have to face up to the responsibility which they have undertaken. On its part, the government, too, cannot lightly brush aside the recommendations of the committee, as there is a measure

<sup>13</sup> *Advisory Committees in British Government*, p. 87.



of sanctity attached to its recommendations despite its purely advisory role. An advisory committee expects to be taken seriously by the administration even if its proposals and recommendations may not generally find favour with the latter. It is likely that the recommendations turned down by the administration may be taken up by the opposition and in the public press, thus casting a slur on the reputation of the government. This possibility serves to provide the advisory committee with an additional focus of public attention.

An advisory committee is a formal institutional arrangement brought into being to 'advise' the government on various issues and aspects falling within its terms of reference. It is a democratic arrangement inasmuch as all major interests and points of view affected by, or concerned with, a particular policy are sought to be represented on it, thus giving them an opportunity of making known to the administration their respective view points. On its part, the administration, too, has an opportunity to explain to these various interests how it views the situation and in what manner it proposes to tackle it. In this process the policy is calculated to win the consent of those affected by it, and its eventual implementation becomes comparatively smooth and easy. In a democracy this practice of mutual consultation and offering of advice is easily a most important one and, further, is bound to be cultivated more and more by the government.

Democracy, however, is not the exclusive progenitor of advisory committees. The latter have been envisaged, and even recommended for greater use, by political philosophies which fundamentally differ from, even repudiate, the concept of democracy, as we understand and practise it. Thus, Lenin,<sup>14</sup> the founder of the first communist state in the world, favoured widespread popular association with the processes of administration. This regular, institutionalised contact would, according to him, tone up the quality of administrative performance, for the administration would be enriched as a result of criticism and guidance flowing from people who know where the shoe pinches. Nazism, too, visualised a system of advisory committees to assist in the task of governance. "The national state does not suffer that men whose education

<sup>14</sup> *Vide* Laski, Harold J., *Parliamentary Government in England*, London, George Allen & Unwin, 1938, p. 348.

and occupation has not given them special knowledge shall be invited to advise or judge on subjects of a specialized nature, such as economics. The state will, therefore, sub-divide its representative body into political committees including a committee representing professions and trades. In order to obtain advantageous cooperation between the two, there will be over them a permanent select senate. But neither senate or chamber will have power to make decisions; they are appointed to work and not to make decisions.”<sup>15</sup> This is how the chief oracle of Nazism spells out the idea. The fatal flaw in such a tenor of political thinking is that advisory committees are designed to supplant, not supplement, the parliamentary institution, constituted on universal suffrage, and representing the entire people.

The Haldane Committee on the Machinery of Government, which submitted its report to the British Government in 1918, accorded an important place to advisory committees as an integral part of the machinery of government, and, further, came out in general support for their development. It wrote:

“But the preservation of the full responsibility of ministers for executive action will not, in our opinion, ensure that the course of administration which they adopt will secure and retain public confidence, unless it is recognised as an obligation upon departments to avail themselves of the advice and assistance of advisory bodies so constituted as to make available the knowledge and experience of all sections of the community affected by the activities of the department.

“In a number of cases effect has already been given to this principle and ministers have at their disposal the counsel of standing bodies composed upon various bases and described by a variety of names, either appointed under statutory authority . . . , or holding their appointment at the discretion of the minister concerned . . . .

“The precise form of organisation most suitable to an advisory body or bodies will always depend in the main upon the nature of the business of the department to which they are to be attached. Different methods of constituting such bodies and calling them into consultation will be required according to the object that they are intended to pursue, which may be the development of

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<sup>15</sup> Hitler, Adolf, *My Struggle*, London, Hurst and Blackett, March 1938, p. 179.

the service rendered by a profession to the community, the advancement of knowledge in relation to a particular service, or the maintenance and improvement of the conditions of employment of persons engaged in that service.

“So long as advisory bodies are not permitted to impair the full responsibility of ministers to parliament, we think that the more they are regarded as an integral part of the normal organisation of a department, the more will ministers be enabled to command the confidence of parliament and the public in their administration of the services which seem likely in an increasing degree to affect the lives of large sections of the community.”<sup>16</sup>

Harold J. Laski has also commended advisory committees for widespread use. He has observed: “It is essential to bring the public in organised relations with the executive as an administrative body. Here, as I believe, is the largest field for experiment that we possess;... The theses we lay down are simple enough. The making of policy, we assume, is the more successful, the larger the number of affected interests consulted in its construction. The business of government is to draw upon their experience, not as itself it interprets that experience, but as the interests themselves give expression to it. The administration of policy in the second place ought to involve the association with it of all bodies directly influenced by its results and it should, wherever possible, be decentralised in order to leave room for the largest flexibility in application.”<sup>17</sup> In his another work Laski repeats the plea for greater utilisation of advisory bodies and argues that an advisory committee is a forum where the services of retired public figures may be laid under contribution; that it provides for a regular and systematic exchange of views and opinions between those who are responsible for framing the policy and those who bear its impact and bring them in organised relationships with one another; and, finally, that it tends to keep a policy in tune with the public opinion.<sup>18</sup> That advisory committees help to broadbase and popularise the administrative process is the

<sup>16</sup> *Report of the Machinery of Government Committee*, Cmd. 9230, London, H.M.S.O., 1918, pp. 11-12.

<sup>17</sup> Laski, Harold J., *A Grammar of Politics*, London, George Allen & Unwin, 1955 Edition, p. 374.

<sup>18</sup> Laski, Harold J., *The Dangers of Obedience*, New York, Harper & Brothers, 1930, pp. 80-81.

keynote of Sir Arthur Salter's observation. "Committees", he points out, "are an invaluable instrument of breaking administrative measures on to the back of the public".<sup>19</sup> Further, in a presidential form of government, the association of advisory committees with a department, and their consequential support to the work of that department may go a long way in securing necessary appropriations from the legislature and approval of other measures.<sup>20</sup> In addition to these advantages, the advisory committees have emerged to become the principal, if not primary, means of integrating the civil service with the community by bringing 'public administration into organic relation with the aspirations and needs of democratic government'.<sup>21</sup> This aspect has been emphasized, among others, by William A. Robson who observes that we should aim at the "widespread participation in the administrative process by persons who are neither professional politicians nor civil servants".<sup>22</sup> Robson would call this the 'lay' element, though it is usually in possession of high qualifications as well as experience in particular fields. He commends a greater utilisation of this institutional device. Furthermore, the inevitability of delegated legislation in a modern government, more so in one like ours committed to transforming the socio-economic structure of the society, argues for a widespread use of advisory committees in grinding out administrative details. Consequent upon an unprecedented increase of legislative work the parliament can afford to pass legislation spelling out broad principles only. The minor details must perforce be left to be supplied by the executive. To check the 'new despotism', the interests affected by delegated legislation must normally be associated in the form of an advisory committee with the department concerned.<sup>23</sup> To sum up, the need for advisory committees stems from a wide range of factors and considerations.

<sup>19</sup> Quoted by Laski, Harold J., *A Grammar of Politics*, *op. cit.*, p. 376.

<sup>20</sup> Leiserson, Avery, *Administrative Regulation*, Chicago, University of Chicago Press, 1942, p. 166.

<sup>21</sup> Robson, William A., *The Civil Service in Britain and France*, London, Hogarth Press, 1956, p. 15.

<sup>22</sup> *Ibid*, p. 14.

<sup>23</sup> The Donoughmore Committee has recommended: "The system of the Departments consulting particular interests specially affected by a proposed exercise of law-making power should be extended so as to ensure that such consultation takes place whenever practicable." *Report of the Committee on Ministers' Powers*, Cmd. 4060, London, H.M.S.O., 1932, p. 66.

Democracy, as it is practised today, is based upon territorial representation of the people. The suitability of this method of representation has been criticised, even challenged, by many political theorists who make a plea for its substitution. There are others who hold that this should be re-inforced by functional representation. The essence of the latter method consists, broadly, in making a group, identified according to the economic or occupational status of its members, a constituency for purposes of election of representatives. It is believed that territorial representation is not sufficient by itself to make democracy real, representative, and meaningful.<sup>24</sup> Harold J. Laski has rightly observed that "any geographical system of political structure is inadequate to embody the lives it seeks to express",<sup>25</sup> the vocational interests of men are considered more central and pressing than their interests and issues as mere neighbours. It is held that quite ominous results are likely to follow the non-assimilation of 'functionalism' in some form in the broader political system. According to G.D.H. and Margaret Cole, the political system, in the absence of a provision for functional representation, would swing between irresponsible bureaucracy and pure dictatorship.<sup>26</sup> Nonetheless, the territorial basis of representation can never be completely ousted in favour of the functional one. The adoption of the latter as the exclusive base for structuring the political system of a country would, in the words of Arthur W. Macmahon, "evoke an endless number of representative combinations on the administrative side through the creation of collegiate bodies of various kinds",<sup>27</sup> thus bringing the administration to a

<sup>24</sup> Robson, W. A., 'Functional Representation', in *Encyclopaedia of the Social Sciences*, Vol. VI, p. 522.

Also see Shaw, George Bernard, *Everybody's Political What's What?* London, Constable & Company, 1944, p. 35, and 40-43; Russell, Bertrand, *Power—A New Social Analysis*, London, George Allen & Unwin, 1957 (Seventh Impression), p. 292.

<sup>25</sup> Laski, Harold J., *The Dangers of Obedience*, *op. cit.*, p. 69.

<sup>26</sup> They write: "In fact the state is an organisation which admits of unified democratic control only if its functions can be kept narrow and simple. But the state cannot either deal with the problems which confront it in the modern world or become democratic without becoming increasingly involved in a range of activities that is both exceedingly wide and exceedingly complex . . . But the acceptance of these functions will irresistibly drive it first towards a bureaucracy that will arouse widespread hostility and involve serious loss of prestige and then by way of reaction towards some form of dictatorship as the only means of making effectively possible the conduct of the wide authority which has fallen inevitably into its hands. The only alternative to dictatorship in one form or another is that of functional reorganisation." Cole, G.D.H. and Cole, Margaret, *A Guide to Modern Politics*, London, Victor Gollancz, 1934, p. 414.

<sup>27</sup> *Encyclopaedia of the Social Sciences*, Vol. II, p. 699.

grinding halt. Nevertheless, some of the elements of this method may best be grafted on to the system of territorial representation, contributing thereby to the representative character of the administration. Sir Arthur Salter puts it in the right perspective when he commends the blending of the two systems of representation and the resultant two sets of institutions. He writes:

“A Parliament elected upon a general franchise and a geographical basis is very suitable for the political problems which dominated the scene in the last century—the gradual extension of equal voting power and the abolition of political privilege and disabilities. But for the specialized economic and social problems of a modern state it is insufficiently expert in itself to control administrative action. There is this element of truth in Signor Mussolini’s contention that the public must be represented upon a ‘functional’ principle; that is, through representatives of different specialized occupations. But if there is no ultimately sovereign authority, representative not of occupations but of the people as a whole, such a functional system becomes merely an instrument of dictatorship since the dictator chooses, or creates, the functional bodies to be represented and the method by which they select their representatives.”<sup>28</sup>

Thus, the advisory committee carries an endorsement of the consent of the governed by endowing it with additional focus and meaning and, further, it is entirely likely that these committees might, in the foreseeable future, make their impact felt on the constitutional machinery as well.

An advisory committee is a body attached in an ‘advisory’ capacity to the departments/ministries of the Central Government, and consisting, exclusively or otherwise, of persons who are not on the pay-roll of the (central) government. In other words, it comprises, either wholly or partly, the non-officials and/or the representatives of the state governments. Such a body may be known by a variety of names such as committee,<sup>29</sup> board,<sup>30</sup> commission,<sup>31</sup> panel,<sup>32</sup> working group,<sup>33</sup>

<sup>28</sup> *Vide* Vernon, R. V., and Mansergh, N. (Ed.), *op. cit.*, p. 7.

<sup>29</sup> For example, Central Food Products Advisory Committee.

<sup>30</sup> For example, Central Advisory Board of Education.

<sup>31</sup> For example, Company Law Advisory Commission.

<sup>32</sup> For example, Scientific Food Advisory Panel.

<sup>33</sup> For example, Working Group of the National Employment Service.

council,<sup>34</sup> conference,<sup>35</sup> standing committee,<sup>36</sup> sub-committee,<sup>37</sup> governing body<sup>38</sup> (or board), working committee,<sup>39</sup> etc. The generic term 'committee' is, however, to be preferred to refer to these all, as they all have a business—tendering of *advice*—committed to them by the government. Further, the present study is restricted to advisory committees which are of a standing nature, and, thus, takes no account of *ad hoc* ones, which go out of existence after submitting their reports.

The words 'advisory' and 'consultative' are used inter-changeably with no marked distinguishing features between them. An advisory committee has a purely advisory role, having no legal power to compel acceptance of this advice by the department concerned; and a consultative committee, as the name indicates, is required to be compulsorily consulted by the administrative authority before an action is taken, although, as in the case of an advisory committee, its advice may be turned down. A notable example of an advisory committee with the power of compulsory consultation was the Central Advisory Council of Industries which was originally required to be compulsorily consulted whenever the government decided to take over an industry from the private sector.<sup>40</sup> Similarly, the Central Government is obliged to consult the Central Committee for Food Standards before making rules on matters defined in the Prevention of Food Adulteration Act, 1954. In practice, the difference between the two expressions is whittled down, as an advisory committee is consulted for its advice, and there is no point in creating it if the intention is not to consult it. These epithets are, therefore, used almost synonymously as is indicated by Arthur W. Macmahon. He writes: "In English-speaking countries, the term 'advisory' has been applied to bodies variously called without apparent discrimination, . . . some recent British enactments provide for 'consultative committees'. This adjective is more suggestive and perhaps more

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<sup>34</sup> For example, Central Advisory Council for Industries.

<sup>35</sup> For example, Indian Labour Conference.

<sup>36</sup> For example, Standing Committee on Raw Material for the Steel Industry.

<sup>37</sup> For example, Hydrographic Survey Sub-Committee.

<sup>38</sup> For example, Governing Body, All India Institute of Mental Health, Bangalore.

<sup>39</sup> For example, Working Committee for Implementation of Malaria Eradication Programme.

<sup>40</sup> This 'compulsory consultation' clause was abrogated in a subsequent amendment of the *Industries (Development & Regulation) Act*, 1951.

accurate than 'advisory', but it has not acquired a clear connotation."<sup>41</sup> The term 'advisory committee' is perhaps more expressive and has acquired popularity and distinctiveness all its own which the other term has not yet come to enjoy. It has become, or, at any rate, is well on the way to becoming soon, a standard term in the vocabulary of political science and public administration. These reasons then explain the choice of the title 'Advisory Committee' for the present study.

There are basic differences between an advisory committee and a staff agency. An advisory committee is a channel of communication with the outside world, and comprises persons not in the employ of the Central Government. A staff agency, on the other hand is a purely internal arrangement of the administration, and constitutes a part of the regular hierarchy and is manned wholly by civil servants. As the advisory committee, too, provides the government access to specialist and technical advice, the functions of the two may appear, to an extent, of the same kind, yet there are basic structural, staffing and other differences separating it from the staff agency.

The primary function of an advisory committee is to advise the administration on how to frame public policy and/or how to implement it. From this standpoint, advisory committees may be classified into two types. Some are associated with the policy-making stages, though, to be sure, the ultimate responsibility for taking the decision rests with the government. The Export Advisory Council, and the Import Advisory Council advise the government on general policies regarding exports and imports respectively. The second category of committees consists of those bodies which, while functioning within the framework of the general policy, advise on how to administer or implement that policy. The National Railway Users' Consultative Council, and the Customs Advisory Council illustrate this type. Sometimes the association with the administration for implementation of the policy can be carried to rather extreme limits. An instance of such a state of affairs is furnished by the National Railway Users' Consultative Council, the non-official members of which have been authorised to call upon any station master or ticket examiner to check the tickets of passengers in their presence. This practice won the approval of the

<sup>41</sup> Macmahon, Arthur W., *op. cit.*, p. 610.



Railway Corruption Enquiry Committees. "The members of the National Railway Users' Consultative Council authorised to conduct surprise checks through the ticket checking staff, should make one surprise check at least every three months and submit brief reports to the Council for scrutinising and suggesting further measures."<sup>42</sup>

It may, nevertheless, be submitted that these two functions or processes—the policy-making process, and the implementation process—cannot be neatly segregated, for they are closely inter-connected and inter-mingled. Consequently, it becomes a difficult and intriguing task to find out whether a particular advisory committee belongs exclusively to one type or another. The task is rendered even more arduous by enlarging the list of functions allotted to a committee and, further, requiring it to deal with 'all such matters as may be referred to it'. At any rate, however, the majority of the committees advise the government both on matters of policy and its implementation. An instance of how these two processes dovetail in practice and are assigned to the same committee is provided by the Advisory Council for the Laccadive, Minicoy and Amindivi Islands which advises on:

- (i) matters of administration involving general policy; schemes of development of agriculture, trade and industry, improvement of sanitation, communications, education, health . . . but not on matters relating to the day-to-day administration or in the matter of any appointments whatsoever;
- (ii) general questions touching the implementation of general policy and schemes of development;
- (iii) any other matter which the administrator or the Government of India may refer to the Council.

It would, perhaps, be correct to argue that this way of classifying advisory committees is not logical. This is so because policy and its subsequent implementation does not admit of any such segregation. Simon's remark that "Executing policy, then, is indistinguishable from making more detailed policy"<sup>43</sup> is quite pertinent. Another function of the advisory committee is to transmit information on the proposed

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<sup>42</sup> *Report of the Railway Corruption Enquiry Committee*, 1953-55, Government of India, Ministry of Railways, chapter XIV, para 73.

<sup>43</sup> Simon, Herbert A., *The New Science of Management Decision*, New York, Harper & Bros., 1960, p. 4.

or actual policy from the government to the affected parties and vice versa. It is, thus, an effective channel of communication between those responsible for implementing the policy and those who are affected by it. This free inter-change of ideas and information between 'the centre and the circumference of government' goes a long way towards 'selling' a particular programme to the public. In the words of A. Gaylord Obern "advisory groups perform a useful function of explaining the programme to the public, of securing approval of specific interested organisations, and of securing support from the members of the legislature".<sup>44</sup> Advisory committee also serves as a forum for reconciling apparent or seeming conflicts and a wide range of points of view bearing upon a particular policy. An important function of such a body is to evolve a broadly common point of view and recommend a specific course of action. Finally, in a federal policy, particularly one dedicated to planning like ours, advisory committees are also to function as adjuncts of the federal government to bring about coordination and uniform policies and to overcome jurisdictional wrangles.<sup>45</sup> This aspect needs a little detailed treatment.

It may be argued that a federal constitution, with its two levels of government in simultaneous operation within their respective spheres of functions, offers an apparently restricted scope for the growth of advisory committees at the federal level. This, however, is not a wholly correct presumption. A federation resting upon a division of functions, constitutionally made, inevitably makes for a variety of policies and administrative practices. There is, therefore, an obvious need to bring these policies and practices in broad conformity with the national policies. Also, the resultant diversity brings to the fore the critical problem of coordination. Finally, even in matters falling within the states' sphere, the Centre cannot entirely divest itself of the responsibility with regard to 'standard-setting, promotion, subsidisation and supervision'.<sup>46</sup> All this points to the necessity of evolving what the Joint Committee on Indian Constitutional Reform (1933-34)

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<sup>44</sup> Obern, A. Gaylord, 'Hearing and Consultation Procedure in Public Administration: The United States Practice' in *International Review of Administrative Sciences*, Vol. XXVII, 1961, No. 4, p. 408.

<sup>45</sup> Shah, K. T. : *National Planning, Principles & Administration* (National Planning Committee Series), Bombay, Vora & Co., 1948, pp. 122-124.

<sup>46</sup> *Methods of Social Welfare Administration*, New York, United Nations, Department of Social Affairs, E/CN.5/224, 1950, p. 112.

has called 'some regular and recognised machinery of inter-governmental consultation'.<sup>47</sup> As the centre cannot dictate in matters falling within the jurisdiction of the constituent units, the institutional arrangement must, of necessity, remain advisory in character. An important function, expected of, and performed by, advisory committees dealing with matters which, under the constitution, are the states' concern is to facilitate coordination, and help evolve a common national policy in consultation with the states. A large number of advisory committees in the field of education, health, food and agriculture, community development and cooperation, etc.—all being the states' concern—believe the presumption of reduced scope for such bodies in a federal polity.

The Central Government, therefore, sets up advisory committees which may deal with matters which, constitutionally, come under the jurisdiction of the states. This practice may provoke a query into the nature of the sanction behind the formation of advisory committees in this field. In other words, it may be asked whether the Central Government enjoys a constitutional power to create such committees on matters within the states' jurisdiction or if it sets up these bodies by sufferance on the part of the states. The Centre's right to form advisory committees on matters within the states' sphere, and to define their organisation, is well recognised under Article 263 of the Constitution, which reads:

"If at any time it appears to the President that the public interests would be served by the establishment of a council charged with the duty of :

- (a) inquiring into and advising upon disputes which may have arisen between states;
- (b) investigating and discussing subjects in which some or all of the states, or the union and one or more of the states, have a common interest; or
- (c) making recommendations upon any such subject and, in particular, recommendations for the better coordination of policy and action with respect to that subject, it shall be lawful for the President by order to establish such a council, and to define the

<sup>47</sup> *Report of the Joint Committee on Indian Constitutional Reform*, London, H.M.S.O., 1934, Vol. I, Part I, para 223.

nature of the duties to be performed by it and its organisation and procedure.”<sup>48</sup>

The Central Government has not invoked this Article, except in two cases, while setting up advisory committees. This is perhaps because of the same political party being in charge of the administration both at the centre and in the states. There is, consequently, little fear of any formal challenge to its authority in regard to the setting up of a committee dealing with a subject within the States’ jurisdiction. If challenged, the Central Government can, however, announce the formation of such bodies under the said Article. This would make it incumbent upon the Government to invoke the President’s name while constituting a committee. This is illustrated by the resolution setting up the Central Council of Health, which says:

“Whereas it appears to the President that the public interests would be served by the establishment of a Central Council of Health. Now, therefore, in exercise of the powers conferred by Article 263 of the Constitution, the President hereby establishes a Central Council of Health (hereinafter in this order referred to as the Council) and defines the nature of the duties to be performed by it and its organisation and procedure as follows.”

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<sup>48</sup> It may be interesting to recall that a similar institutional arrangement was envisaged under the Government of India Act, 1935. Clause 118 of the said Act says:

“If at any time it appears to His Majesty upon consideration of addresses presented to him through the Governor-General from any legislatures in India that the public interests would be served by the establishment of an Inter-Provincial Council charged with the duty of

- (a) inquiring into and advising upon disputes which may have arisen between provinces;
- (b) investigating and discussing subjects in which some or all of the provinces or the federation and one or more of the provinces, have a common interest; or
- (c) making recommendations upon any such subject and, in particular, recommendations for the better coordination of policy and action with respect to that subject, it shall be lawful for His Majesty in Council to establish such a Council and to define the nature of the duties to be performed by it and its organisation and procedure.

An order establishing any such Council may make provision for representatives of Indian states to participate in the work of the Council”. This provision existed in the Provisional Constitution (1947-50) as well.

## 2

# Growth and Development of Advisory Committees

### A. PRE-BRITISH PERIOD

ADVISORY Committees are a modern innovation in public administration, their growth being in immediate and direct response to the progressive complexity and diversification of a modern society. It is, nevertheless, all too fair to concede that the underlying concept and even the formal structure were not entirely non-existent in ancient India, although the concept did not commend itself on any appreciable scale. This is natural enough, as the functions of the state then were hardly challenging in extent, nature and complexity. There is, however, evidence to confirm the existence of advisory committees, albeit in strictly limited number, during the period of the Gupta rule (320 A.D.—455 A.D.) in India. The Gupta administration had constituted advisory committees which bore a fairly representative character and functioned at the district level. A. S. Altekar, a

well-known authority on ancient Indian history, writes:

"... There is evidence to show that there were district councils to advise and assist the district administration; this seems to have been an administrative innovation of the (Gupta) age. This council consisted of the chief banker, the chief trader, the chief artisan, the chief kayastha (writer) and several other members. The Faridpur plate III shows that the district council often consisted of about 20 members, some of whom like *kulasvamin* and *subhadeva* were Brahmins, some like *Ghoshchandra* and *Gunachandra* were non-Brahmins. Members of this non-official council were called *Vishayamahattars* . . .

"How the members of the *Vishayamahattara Council* were selected or elected is not stated in the Gupta records. The terms *prathamasthin* and *prathamasarthavaha* suggest that very probably the guilds of the bankers and traders were represented by their presidents. As far as the remaining members of the council are concerned, it should appear that different classes were represented by those persons among them who had acquired a pre-eminent status by their age, experience and character."<sup>1</sup>

Little is now known about the functions performed by the *Vishayamahattaras*' committee. Nor is it known if other rulers who succeeded the Guptas continued the practice of creating advisory committees to advise the administration. It, however, seems more plausible that the more informal arrangements for counselling might have been found more appealing to the disposition of the kings of yore. At any rate, it is extremely doubtful if such an institutionalisation of 'outside' advice ever found favour with the Muslim rulers who appeared on the Indian horizon subsequently. Coming down to the Mughal period, one does not discern any evidence of the existence of advisory bodies. This is understandable, as the political outlook of the Muslim emperors was, obviously, inhibitive of any such development.<sup>2</sup>

## B. BRITISH PERIOD

Advisory committees are essentially an embodiment of the democratic principle. Quite naturally, these bodies find a congenial

<sup>1</sup> Altekar, A. S., *State and Government in Ancient India*, Banaras, Motilal Banarsidass, 1955 (Second Edition), pp. 341-42.

<sup>2</sup> Sarkar, (Sir) Jadunath, *Mughal Administration*, Calcutta, M. C. Sarkar & Sons,

atmosphere for their growth and development in a democratic government. In pre-independence period, therefore, they found no appreciable encouragement and the advisory committees were few and far between, although the suggestion for some sort of an advisory committee in India was made, perhaps for the first time, in 1853. George Campbell, writing in that year, observed: "But I can see the very greatest advantage in availing ourselves to the utmost of individual native knowledge and intelligence, as a guide and aid in administering the affairs of a government in which they are interested, and of a people whom they must understand better than we do. There are natives whom I believe to be more qualified, personally, and especially from their position, to give a valuable opinion on the effect of administrative measures and the real working of our system than almost any European. This brings me to the suggestion of a native consultative council."<sup>3</sup> Growth of advisory committees is primarily a post-independence phenomenon. The following description is, consequently, not as complete as the title of the chapter may appear to suggest. In one sense, the advisory committee might be reckoned as having a fairly long history in the forms of central and provincial legislatures, which were devoid of real powers and bore an essentially advisory character. This, however, is not the sense in which the concept of these committees should be interpreted. These bodies are, in no way, substitutes for the parliamentary institutions. They, by and large, supplement the latter. Parliament provides legislative leadership to the nation. It directs, and even ultimately controls, the executive, and is the guardian of the rights and interests of the people. Advisory committees are not tailored to live up to this role; they supplement the traditional parliamentary institutions.

The earliest known advisory committee having a bearing on Indian administration was the Council of the Secretary of State for India, set up in 1858. In 1857 Palmerston, the British Prime Minister, explained the underlying objective in the following words: "What is wanted is a council composed of able men conversant with Indian affairs, who may give information and advice to the responsible ministers of the Crown in regard to Indian affairs."<sup>4</sup> This body consisted of fifteen members, eight nominated by the Crown, and seven elected by the directors of the

<sup>3</sup> Campbell, George, *India As It May Be*, London, John Murray, Albemarle Street, 1853, p. 105.

<sup>4</sup> Quoted in Seton, Sir Malcolm C. C., *The India Office*, London, G. P. Putham's Sons, 1926, p. 25.

East India Company. The 'elective' principle was intended to embody the idea of democratic representation, though, as Sir Malcolm C. C. Seton points out, "it is obvious now that nothing more unfair to India or more calculated to create suspicion in Indian minds could well have been devised than a plan under which British commercial interests, as such, would have been given a direct control over Indian affairs".<sup>5</sup> Functioning under the direction of the Secretary of State, and subject to the provisions of the Government of India Act, 1858, the Council's task was "to conduct the business transacted in the United Kingdom in relation to the Government of India and the correspondence of India".<sup>6</sup> Since 1907 until its replacement by the Secretary of State's 'Advisers' under the Government of India Act, 1935, the Council had contained Indian members as well, most of them being persons who had been prominent in Indian public life as members of the Legislative Councils or as office-holders in the princely states of India. The Council was an advisory body, not an executive one.<sup>7</sup> Nevertheless, it was an exceedingly active and powerful body and wielded enormous authority. Moreover, its advice was binding in certain matters such as the borrowing of money in Britain on the security of Indian revenues, expenditure, raising of loans, framing of regulations for the distribution of patronage among the authorities in India, certain types of appointments, etc. In view of the authority exercised by it, it may be argued that only in a nominal sense was it an advisory committee, but, in effect, it controlled the machinery of Indian administration. The Council was, however, a part of the machinery of the British Government, not of its Indian counterpart. It held its deliberations at the India Office, London, not in India. Further, its identification with the Indian representative public opinion was also misleading. To the Indian public opinion, the Council had a restraining effect on the Secretary of India by its persistently recalcitrant attitude.<sup>8</sup>

<sup>5</sup> Seton, Sir Malcolm, C. C., *op. cit.*, p. 25.

<sup>6</sup> Section 19 of the *Government of India Act*, 1858.

<sup>7</sup> Seton, Sir Malcolm, C. C., *op. cit.*, p. 25. Also refer to Anderson, G., *British Administration in India*, London, Macmillan, 1917, p. 17.

<sup>8</sup> In 1925, Motilal Nehru moved a resolution in the Central Legislative Assembly demanding, *inter alia*, the abolition of this Council. The resolution was passed by the Assembly but was rejected by the Central Government. The Joint Select Committee of the House of Lords and the House of Commons appointed to consider the Government of India Bill, 1919, observed: "The Committees are not in favour of the abolition of the Council of India. They think that, at any rate for some time to come, it will be absolutely necessary that



A study of the growth of advisory committees in India reveals their emergence first at the local and subsequently at the state (or, the provincial) levels. At the central level, their emergence is a comparatively recent phenomenon. That local government was the first to witness the setting up of these bodies is understandable, the British administration in India being more amenable to the idea of granting limited initiative and representation at the local level. The progress of representation in India started at the lower levels, and thereafter gradually moved upwards. The Local Fund Committee is the earliest known advisory committee created at the local level. In some provinces, e.g., the Central Provinces & Berar (later Madhya Pradesh), there used to be certain funds, called Local Funds, which were spent on matters (usually entrusted to local bodies) such as primary education, medical relief, sanitation, water-supply and construction of roads. The administration and management of these Funds was entrusted to a local committee for each district called District Fund Committee consisting of the divisional commissioner, the deputy commissioner and some nominated members. By 1862 the local committees were named and gazetted. In 1863 complete authority for the disposal of local funds was vested in the chief commissioner.<sup>9</sup> These committees, it should be borne in mind, were in no sense representative local self-governing bodies. They were mere advisory bodies to help the officials. Morris, the chief commissioner, described the role of these committees in his observations on the proposed Bill of 1882 as follows: "District Fund Committees have hitherto been little more than bodies of respectable native gentlemen with whom the deputy commissioner and other local officers might take counsel for the public good. They have been assembled at headquarters and have not been in any way representative of the district generally; but their main use has been as exponents of native opinion in regard to measures which the local officers have under contemplation."<sup>10</sup>

*(Continued from previous page)*

the Secretary of the State should be advised by persons of Indian experience, and they are convinced that, if no such council existed, the Secretary of State would have to form an informal one, if not a formal one." Report of the Joint Select Committee of the House of Lords and the House of Commons on the Government of India Act, 1919, part III, Clause 31, *Government of India Act, 1919*, Calcutta, Central Publication Branch, 1924, p. 25.

<sup>9</sup> *Imperial Gazetteer of India*, Vol. X, p. 85.

<sup>10</sup> Communication from the Secretary to the Chief Commissioner, Central Provinces & Berar, to the Secretary to the Government of India, Legislative Department No. 3712-217, dated 29 September, 1882.

A demand for advisory committees at the district and divisional levels of administration was made before the Royal Commission upon Decentralization<sup>11</sup>, set up in 1907. They were desired to be consulted on matters of general policy, proposed legislation, revenue settlements, famines, education, communal disputes, etc. The Commission, however, turned it down, saying 'we are very reluctant to add to the number of boards and councils'. . . .<sup>12</sup>

In course of time advisory committees began to be looked upon with a degree of favour by Indian administration. They began to be regarded as natural and legitimate development in the wake of the Montagu-Chelmsford Reforms of 1919<sup>13</sup> and a start was made at the provincial level, to begin with. The committees that were set up contained both government officials and citizens including the members of the provincial legislative councils. In the United Provinces (now Uttar Pradesh) there were the following seventeen such committees, each attached to one or other department of the government:<sup>14</sup>

- (i) Excise Board;
- (ii) Board of Industries;
- (iii) Board of Communications;

<sup>11</sup> The Commission wrote: "Speaking generally, the bulk of official opinion was against such councils, but there were some noticeable exceptions. Non-official opinion, on the other hand, was largely in favour of them, though again, with important exceptions; while some witnesses, including the home secretary to the Government of India were in favour of advisory councils for (divisional) commissioners, but not for (district) collectors . . . . Hardly any of the witnesses who advocated such advisory councils were in favour of making them purely elected, and though those who would have them partly elected preponderate, a not greatly inferior number, among whom non-officials are largely represented, are in favour of the councils being altogether nominated . . . . As regards the functions of such councils, the general idea of the witnesses who desired them seemed to be that they should be consulted about matters of general policy and proposed legislation, revenue settlements and the remission and suspension of revenue, famine and measures against epidemics, education, and religious and caste disputes, to which some witnesses added questions relating to income tax, irrigation, sites of liquor shops, police, and the assumption of the charge of states by the Court of Wards." *Report*, 1907-9, paras 527-29.

<sup>12</sup> *Ibid.*, para 533. It needs to be pointed out that R. C. Dutt, the Indian member of the Commission, dissented from this recommendation, and thought an advisory council, with some provision for its giving help to the (district) collector in his executive work, would make district administration more efficient and popular. "The isolation of the district administration, which is virtually a one man rule, is, he thinks, the real cause of much discontent in India, and to invest the collector with larger powers as we recommend in this Report, without some provision to associate the people with him in his general work, would create discontent and dissatisfaction among the people." *Report*, para 534 (foot-note).

<sup>13</sup> *The Report*, para 235 and 285.

<sup>14</sup> *Vide* Letter No. 4654-C, dated 16 July 1927 from Chief Secretary, U.P. Government to the Secretary to Government of India, Home Department, para 17.

- (iv) Development Board;
- (v) Board of Industrial Loan Commissioners;
- (vi) Board of Agriculture;
- (vii) Forest Advisory Board;
- (viii) Revision Board in the Jail Department;
- (ix) United Provinces State Board of Medical Examinations and Medical Council;
- (x) Board of Public Health;
- (xi) Irrigation Board;
- (xii) Board of Vernacular Education;
- (xiii) Advisory Committee for Compulsory Primary Education;
- (xiv) Advisory Committee of the Thompson College, Roorkee;
- (xv) Governing Body of the Cawnpore Agricultural College;
- (xvi) United Provinces Cattle-breeding Committee; and
- (xvii) Kumaon Forest Committee.

It may be noted that most of these committees were concerned with the "transferred" subjects, the Board of Public Health, the Board of Communications, the Excise Board and the Board of Agriculture being among the most important of such bodies.<sup>15</sup> Their functions were generally to tender advice to the provincial government on matters remitted to them. They could also take up matters on their own initiative and suggest these for the consideration of the provincial government. The Board of Public Health discussed matters concerning medical relief, preventive medicine and sanitary schemes. The Board of Communications advised the government on policies and projects in pursuance thereof for the development of communications.

In Madras Presidency as well, extended use of advisory committees began to be made at this time. These committees were attached to various departments "appointed wholly by the government, but including a majority or comprising a considerable number of non-official members of the legislative council, whose assistance and cooperation the executive government wish to secure in the administration of the various departments."<sup>16</sup> The following committees

<sup>15</sup> *Vide Report of the Working of the System of Government.* United Provinces of Agra and Oudh, 1921-26, Allahabad, 1930, pp. 200-1.

<sup>16</sup> Letter No. 755 dated 19 August 1927 from the Acting Chief Secretary to the Government of Madras to the Secretary to the Government of India, Home Department, para 21, *Reports on the Working of the Reformed Constitution*, 1927, Calcutta, Government of India, Central Publication Branch, 1928, pp. 17-20.

may be mentioned in this connection:

- (i) Road Board (constituted in May 1931);
- (ii) Standing Advisory Committee for Excise Administration;
- (iii) Agency Advisory Committee (October 1921);
- (iv) Forests Committee, Standing Committee on Education and Registration (subsequently two separate committees were appointed, one for Education and the other for Registration);
- (v) Industries and Fisheries Committee (subsequently separate committees for Industries and Fisheries were constituted);
- (vi) Agriculture and Cooperation Committee (In 1927 two separate committees had been constituted, one for the Agriculture and Veterinary Departments and the other for Cooperative Department);
- (vii) Public Works Advisory Commission;
- (viii) Advisory Committee for Public Health;
- (ix) Advisory Committee for Local and Municipal Administration;
- (x) Advisory Committee for Hindu Religious Endowments; and
- (xi) Depressed Classes Advisory Committee.

The foregoing description brings into relief the attempts, in the form of setting-up of advisory committees, to popularise administrative processes. Writing in the thirties of this century, A. Appadorai viewed it as "a significant trend in administration" and expressed the view: "This (*i.e.*, the increasing readiness of the government to use the voluntary service of individuals and associations) is a desirable trend, and, further, is capable of development."<sup>17</sup>

At the central level as well, some progress towards the setting up of advisory committees took place. This development was by no means an indication of an urge to associate the representative element with administrative processes; rather, the intention was to press into service the necessary expertise. It is this spirit which underlies the plea of the Secretariat Procedure Committee, presided over by Sir Hubert Llewellyn Smith, for occasionally associating the ex-government officials and retired businessmen with the administrative processes. This Committee recommended that "register should be kept (by the

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<sup>17</sup> Appadorai, A., "Trends in Indian Administration—The Use of Voluntary Agencies in Government" in *Public Administration* (Journal of the Institute of Public Administration), London, Vol. XV, p. 354.

Home Department or by the India Office) of the names and addresses of officers of the Imperial Services of certain status and qualifications who have retired within (say) the previous five years and who on retirement have intimated their willingness to be considered for occasional employment in India on special work such as on special committees or commissions; and that the utilisation of the services of retired business men for special work in India should similarly be considered.”<sup>18</sup> Of greater interest to us, however, is this Committee’s specific recommendations for the setting up of two advisory committees—the Health Advisory Board and the Advisory Board of Education. Outlining the profiles of these Boards the Committee went on to observe: “Both these Boards should have the right of submitting their recommendations to the Viceroy through their chairman; that the Director-General, Indian Medical Service, and the Educational Commissioner, in their capacity as chairman of their Advisory Boards should have periodical interviews with the Viceroy: and that when technical questions relating to health or education come up for discussion at the executive council, the Viceroy should at his discretion summon either of these officers to attend, and the member in the charge of the department should also be entitled to take them as advisers to such meetings.”<sup>19</sup>

It may be noted that the Central Government accepted one of the recommendations<sup>20</sup> immediately, and soon set up the Central Advisory Board of Education. One of the earliest advisory committees dating from 1920, the Central Advisory Board of Education was set up under the chairmanship of the Educational Commissioner with the Government of India. The task of this Board was to offer expert advice on all important educational matters that were referred to it, and to conduct educational surveys, whenever required. Since “education” became a provincial subject under the Government of India Act, 1919, there was felt the need for a body to keep the provincial governments in touch with one another. The Central Advisory Board of Education, however, proved to be short-lived, and was abolished in 1923, apparently in the interest of economy, as the result of the recommendations of the Indian Retrenchment Committee. It may

<sup>18</sup> *Report of the Secretariat Procedure Committee*, 1920, para 74.

<sup>19</sup> *Ibid.*, para 13.

<sup>20</sup> *Vide Resolution No. 2366*, dated 15 September 1920, *The Gazette of India*, Part I, 18 September, 1920.

here be mentioned in passing that this Board was revived in 1935 to act as 'a clearing house of ideas and a reservoir of information' on matters educational.

The recommendation of the LleWellyn Smith Committee for the formation of a Health Advisory Board had, however, to wait for nearly seventeen years before it could be implemented in 1937. With the coming into effect of the Government of India Act, 1919, 'health' like 'education' became a charge of the provinces, and, as a result, the question of constituting an advisory committee was indefinitely shelved, although there was generally felt the need for an agency to coordinate the health activities of the centre and the provinces. "In the circumstances, when the Government of India Act of 1935 was brought into force in April 1937, the Government of India decided that the time had arrived to establish an organisation for bringing together the centre and the provinces on a common platform to discuss health matters. It was also recognised that such discussions should bring, within their scope, the Indian (princely) States because the contiguity of their territories with British India created common problems and interests in health matters."<sup>21</sup> Consequently, the Central Government established, in June 1937, the Central Advisory Board of Health for this purpose under the chairmanship of the member in charge of health in the Viceroy's Executive Council. The Board consisted of the health ministers in the provinces, representatives from a certain number of princely states,<sup>22</sup> the Director-General, Indian Medical Services, the Public Health Commissioner (Central Government), representatives of the Departments of Defence and Railways, and a woman member to be nominated by the Central Government. The Board, it may be emphasised here, has made 'definite contributions to the study of specific health problems'.<sup>23</sup>

<sup>21</sup> *Report of the Health Survey and Development Committee*, Vol. 1, Survey, Delhi, Manager of Publications, Government of India, 1946, para 22.

<sup>22</sup> The number of these states was four, although originally it was three.

<sup>23</sup> *Report of the Health Survey and Development Committee*, Vol. 1, Survey, para 22.

The Interim Government, soon after its formation, followed the practice in a slightly different form and convened a conference of Health Ministers of all provinces in October 1946. Since achieving independence two more conferences of the Health Ministers were held in 1948 and 1950. These conferences were held on an *ad hoc* basis. Later, it was considered necessary to replace such *ad hoc* conferences by permanent body under the aegis of which a broad programme of coordinated action in the field of health could be gradually built up. The Health Survey and Development Committee also recommended the formation of such a body. The Central Council of Health was, accordingly, established in August 1952 under an order of the President of India.

In the twenties of the present century there were some other attempts at associating citizens with certain aspects of administration. The Indian Jails Committee (1919-20), reporting in 1920, recommended increasing association of 'non-official' Indian elements with the prison administration. This recommendation was accepted by the central government.<sup>24</sup> Mention, particularly, deserves to be made of this Committee's recommendation in favour of constituting advisory boards to review cases of long sentence of imprisonment. It remarked:

"The Committee are of opinion that long sentence of imprisonment may frequently be harmful rather than beneficial . . . . They propose that the sentence of every long term prisoner would be brought under revision . . . . There would be constituted in each province a revising board consisting of the Inspector-General of Prisons of the province (who would be the chairman), the district and the sessions judge of the area in which the jail is situated, and a non-official appointed by government. The Board would . . . make a recommendation to the local government concerned for release with or without conditions and with or without an intermediate period of probation."<sup>25</sup>

This recommendation was also given effect to by the Government which observed: "The Government of India are generally disposed to favour a system of advisory boards on the lines proposed by the committee."<sup>26</sup>

In 1921 another advisory committee<sup>27</sup> was set up under the Indian Territorial Force Act, 1920 to make recommendations to the officer commanding of the district concerned:

- (a) On applications forwarded to it by the officer commanding a corps or unit;
- (b) regarding the period or periods in which the prescribed training is to be carried out in each year by any corps or unit;
- (c) regarding the time and place at which the annual training in camp of a university corps shall be undergone;
- (d) regarding any other matter relating to recruitment for the Indian Territorial Force; and

<sup>24</sup> *Legislative Assembly Debates*, Vol. II, Second Session, 15 September 1921, p. 258.

<sup>25</sup> *Report of the Indian Jails Committee*, 1919-20, Chapter XVI.

<sup>26</sup> *Legislative Assembly Debates*, Vol. II, Second Session, 15 September 1921, p. 278.

<sup>27</sup> *The Gazette of India*, Part I, 6 August 1921, p. 1065.

- (e) regarding any matter which may be referred to it for advice by the officer or officers commanding of the district or districts comprised in the province.

This Committee consisted of the military officer to be appointed by the officer commanding of the district concerned, or if the province included parts of two or more districts, by the officers commanding of those districts in consultation, and two non-official members to be appointed by the local government, one of whom was to be the president thereof. The association of non-officials (presumably, civilians) with an advisory body dealing with matters pertaining to the territorial force is quite striking.

A perusal of the gazette of this period reveals the presence of a certain Purchase Advisory Committee which was attached to the Home Department.

The Montagu-Chelmsford Report is also notable for its recommendation for providing an institutional arrangement to the rulers of the princely states to discuss their common problems and to make known their viewpoints to the central government. The joint authors of the Report wrote:

“We wish to call into existence a permanent consultative body. There are questions which affect the (Indian) states generally, and other questions which are of concern either to the Empire as a whole, or to British India and the States in common, upon which we conceive that the opinion of such a body would be of the utmost value. The Viceroy would refer such questions to the Council, and we should have the advantage of their considered opinion. We think it is all important that the meetings should be regular, and that ordinarily the Council should meet once a year to discuss agenda approved by the Viceroy.”<sup>28</sup>

This recommendation was accepted. The Royal Proclamation read: “My Viceroy will take its counsel freely in matters relating to the territories of Indian (princely) states generally, and in matters which effect those territories jointly with British India or with the rest of my Empire . . . . It will have no concern with the affairs of individual states or their rulers, or with the relations of individual states to my government, while the existing system of the states and their freedom of

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<sup>28</sup> *Report on Indian Constitutional Reforms*, 1918, para 306.



action will be in no way prejudiced or impaired.”<sup>29</sup> As a result, the Chamber of Princes came into existence in February 1921, and continued to function until its abolition in 1947, consequent upon the lapse of paramountcy. The Chamber of Princes comprised one hundred and twenty members in all, of which 108 were members in their own right and the remaining 12 were representing 127 princely states. It used to meet once in a year, and was presided over by the Viceroy who also finalised the agenda of the meeting. In the Indian eyes the Chamber was always a suspect, and was interpreted as being largely a British conspiracy to counter the nationalist movement in India.<sup>30</sup>

Another advisory committee to make its appearance in this period was the Central Advisory Council for Railways. It differed from the committees, referred to above, in that on it, for the first time in the administrative history of the Government of India, was given representation to the Indian public opinion. The desirability of according such representation was emphasised by the Acworth Committee which observed that ‘no scheme of reform can attain its purpose of fitting the railways to the needs of the Indian public unless the public has an adequate voice in the matter’.<sup>31</sup> The Council held its first meeting in March 1922, and consisted of three official members of the central legislature, five members of the Council of State and eight members of the Legislative Assembly. All the members were nominated by the government. The formation of the Central Advisory Council for Railways was a landmark in the history of growth and development of advisory committees in the country.

In 1922 Sir William Vincent, the Home Member in the Viceroy’s Executive Council, appeared favourably disposed towards the idea of setting some new committees. This view he made known while speaking on the non-official Resolution on the formation of Standing Committees, one for each department of the Government of India, consisting of the members of the Legislative Assembly. The Home Member was opposed to this Resolution, but, as an alternative, favoured advisory committees on particular subjects. He observed: “In conclusion I will again ask the (Legislative) Assembly to accept what I

<sup>29</sup> Quoted in Singh, Gurmukh Nihal, *Indian States and British India*, Benares, Nand Kishore, 1930, p. 61.

<sup>30</sup> *Vide* Singh, Gurmukh Nihal, *op. cit.*, pp. 56-58.

<sup>31</sup> *Report of the Acworth Committee*, 1920, para 139.

have undertaken to do, namely, to request the Government of India to consider the question of attaching Advisory Committees not to departments *qua* departments, but on particular subject where the advice of such a Committee will be useful.”<sup>32</sup> Soon the Government constituted a number of Standing Committees comprising the members of the central legislature.<sup>33</sup>

In 1922 there appeared the Report of the Seamen’s Recruitment Committee, which had also examined the question of constituting appropriate advisory committees comprising representatives of ship-owners and seamen. The Committee, however, was not unanimous on this question, as is apparent from its Report:

“We have given careful consideration to the question of setting up the Advisory Committees of representatives of shipowners and seamen contemplated by the Geneva Convention. We are agreed that such Committees, if they worked smoothly, would be able to perform useful functions in advising the head of the Bureau. But we are not agreed as to the advisability of introducing these committees at an early stage. Four members of the Committee . . . consider that the Committees should be set up as soon as practicable. They would prove most useful in assisting the head of the Bureau to complete the scheme for recruitment. In our report we have dealt only with the broad outlines of the scheme; the details to be filled in later will be numerous and it is essential that at this stage the head of the Bureau should be kept in close touch with both shipowners and seamen. The remaining three members . . . consider that there is a distinct danger that an Advisory Committee will result in serious friction and will hamper the head of the Bureau to such an extent that the establishment of the new system will be jeopardised. They think that the head of the Bureau should be given a free hand to set the system in operation, and Advisory Committees can be introduced at any stage when their necessity is obvious.”<sup>34</sup>

The Government of India, however, took no action on this recommendation of the Committee.<sup>35</sup>

<sup>32</sup> *Legislative Assembly Debates*, Vol. II, Part II, 19 January 1922, p. 1782.

<sup>33</sup> Also see Chapter X.

<sup>34</sup> Recommendations of the *Seamen’s Recruitment Committee*, published in the *Gazette of India*, 27 May 1922, pp. 625-26.

<sup>35</sup> Letter No. 14(12)-CRA/61, dated 31 January 1962 of the Ministry of Transport & (Continued on next page)

In 1929 there was set up the Central Advisory Committee for Lighthouses, a statutory committee envisaged under Section 4(i) of the Indian Lighthouse Act, 1927, and comprising both officials and non-officials. It is the first statutory advisory committee set up in India, and advises the Central Government on matters relating to:

- (a) erection or position of lighthouses or any works appertaining thereto;
- (b) additions to or alterations or removal of lighthouses;
- (c) the variation of the character of any lighthouse or the mode of use thereof;
- (d) the cost of any proposal relating to lighthouses; and
- (e) the making or alteration of any rules or rates of dues under the Indian Lighthouse Act of 1927.

Until 1940, not much progress in the way of setting up of new advisory committees could be achieved, although mention deserves to be made of the formation of the Medical Council of India<sup>36</sup> in 1933, of the National Livestock Committee in 1938, and, finally, of the Central Advisory Board on Forest Utilisation in 1939. In 1940 two new advisory committees made their appearance. The Drugs Act, 1940 provided for two committees—the Drugs Technical Advisory Board, and the Drugs Consultative Committee. The former advises both the central and the state (formerly, the provincial) governments on technical matters arising out of the administration of this Act and to carry out other functions assigned to it under the Act.<sup>37</sup> The latter advises, in addition to both the levels of Government, the Drugs Technical Advisory Board on matters calculated to secure uniformity in the administration of the Drugs Act throughout India.<sup>38</sup>

The second world war (1939-45) and its aftermath as well as the mounting political agitation in the country were hardly conducive to the growth and development of advisory committees as adjunct to the administration. Nevertheless, the imperative necessity of winning the War prompted the British Government to solicit India's cooperation.

*(Continued from previous page)*

Communications (Directorate-General of Shipping), to the present writer.

This non-acceptance of the recommendation serves to show how much fatal it is for a committee to make dissenting recommendations. A committee is apt to lose its effectiveness if its recommendations are not unanimous.

<sup>36</sup> It is a statutory body created under *The Indian Medical Council Act, 1933*.

<sup>37</sup> *The Drugs Act, 1940, Chapter II.*

<sup>38</sup> Section 7(i) of the *Drugs Act, 1940*.

This desire found expression in the shape of two formal offers, made on two different dates, to constitute advisory committees representing the Indian public opinion. In October 1939 the British Government proposed the establishment of an advisory committee comprising Indian elements. This, however, did not materialise. A year later, there was another offer to bring into being a War Advisory Council. The Governor-General's statement of 8 August 1940 embodied this proposal and also made a reference to the earlier one. The statement said, *inter alia*:

"Deeply as His Majesty's Government regret this (reference is to differences among the political parties), they do not feel that they should any longer, because of those differences, postpone . . . the establishment of a body which will more closely associate Indian public opinion with the conduct of the war by the Central Government . . . . They have authorised me . . . to establish a War Advisory Council which would meet at regular intervals and which would contain representatives of the Indian States and other interests in the national life of India as a whole."<sup>39</sup>

Accordingly, in July 1941, the Advisory National Defence Council was constituted but it lacked representative character—and popular base—as a result of the unconcealed opposition of the Indian party leaders. The use of an advisory body as a substitute for the democratic institutions could never make it acceptable, much less respectable, to the larger Indian public opinion, and, consequently, made it suspect in the Indian eyes.

Until 1947 the advisory committees were few and far between. The committees that existed did not have the distinctive complexion that such bodies under the democratic set-up normally acquire. The alien rule was, understandably enough, not particularly interested in developing any machinery which possessed real democratic traits. Apart from this, the role of the government was also a rigidly circumscribed one. And, it is largely the developmental and 'promotional' activities that are the prolific source of advisory committees. Yet, a change in thinking was becoming visible. This is reflected in the following observation of the Bengal Administration Enquiry Committee (1944-5); "We are satisfied that, in the development sphere, advisory

<sup>39</sup> Vide the Statement issued by the Governor-General of India with the authority of His Majesty's Government on 8 August, 1940 (Cmd. 6291), London, H. M. S. O., 1940.

bodies representative both of the wishes of the people whom the development departments serve and of expert knowledge in the fields of activity covered by these departments, have a great contribution to make in the shaping and to the carrying into effect of government policy.”<sup>40</sup>

### C. SINCE INDEPENDENCE

The independence of the country in 1947 and the establishment of a popular government at the centre provided, for the first time, a congenial atmosphere for the growth and development of advisory committees in India. This is natural enough, for the consultative aspects of policy-making and/or policy-implementation grow enormously important in a democratic government, more particularly in one like ours committed to planning. Consequently, there has been a phenomenal growth of such bodies since 1947, and by 1958, a Member of Parliament ventured to refer to “the great maze of the advisory bodies which we have come to have today.”<sup>41</sup> He, expressing the popular apprehensions as well as aspirations, wrote:

“The importance of the consultative bodies in the formulation and implementation of government policies and programmes, in particular those relating to planning and development is quite obvious. But, what are the Government of India doing to plan and control the growth, development and proliferation of the advisory councils and committees and to enhance their effectiveness? These consultative bodies are multiplying rapidly, like rabbits, as once Churchill put it in relation to his country. No week passes without our hearing of the establishment of this or that advisory council or committee. Their role is also becoming increasingly important in the context of the changed character, scope, and content of governmental activity.”<sup>42</sup>

In this connection it may be noted that the government did not at that time have a ready list, much less a complete catalogue, of all the existing advisory committees attached to the administrative machinery. Even

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<sup>40</sup> *Report of the Bengal Administration Enquiry Committee*, Alipur, Superintendent, Government Printing, Bengal Government Press, 1945, para 58.

<sup>41</sup> Mathur, H. C., Letter to the Editor in *The Indian Journal of Public Administration*, Vol. IV, No. 4, October-December 1958, p. 479.

<sup>42</sup> *Ibid.*, p. 478.

the individual ministries/departments had no such list of advisory committees currently engaged in advising them. The government, consequently, was blissfully ignorant of their number, and the ignorance could well have persisted had it not been provoked into compiling a list in reply to a parliamentary question.

In April 1961 Brajeshwar Prasad, a Congress Member of Parliament, asked the following question in the Lok Sabha:

Will the Minister of Home Affairs be pleased to lay a statement showing the number and names of advisory bodies, Ministry-wise, including consultative committees functioning at present to advise the Central Government and the names of those in which Members of Parliament have representation?<sup>43</sup>

The Minister's reply was:

The information is being collected and will be laid on the table of the House as soon as it is received.

This question, then, set the ball rolling. It took about a year to collect the necessary information, and a statement enumerating 586 advisory committees attached to the machinery of the Central Government was finally laid on the Table of the Lok Sabha on 16 March 1962.<sup>44</sup> The statement is reproduced in the Appendix.

It must, however, be mentioned that the list is neither up-to-date nor complete and, what is more, one can discover a few inaccuracies in it. It lists some committees which are, in fact, sub-committees. Thus, in addition to the Coordination Committee of Small Industries, it includes the sub-committee of the Coordination Committee of Small Industries for rationalising the pattern of financial assistance from the central government. Similarly, the Export Promotion Advisory Council and the Standing Committee of Export Advisory Council are separately listed, though the latter is a sub-committee of the former, strictly speaking. The Central Advisory Council of Industries has been mentioned thrice, though two of the three—Standing Committee of the Central Advisory Council of Industries, and the Reviewing Sub-Committee of the Central Advisory Council of Industries—are sub-committees. Apart from this, some committees have been overlooked in the statement. The All India Handicrafts Board is an advisory

<sup>43</sup> Unstarred Question 3290, *Lok Sabha Debates*, Thirteenth Session, Vol. LIV, No. 43, 13 April 1961, col. 11086.

<sup>44</sup> See enclosure No. XIV (Placed in the Lok Sabha Library, No. L.D. 3519 (XIV)/62. It may be pointed out that the statement has not been separately published.

committee but does not find a place in the statement. There are some other inaccuracies as well. The Central Advisory Committee for Sailing Vessels (Ministry of Transport and Communications) has been mentioned twice. The Development Council for Sugar has been enumerated under two ministries—Ministry of Food and Agriculture and Ministry of Commerce and Industry. Moreover, the Informal Consultative Committee attached to the Ministry of Transport and Communications has been completely ignored in the list.

The number of advisory committees falling within the scope of the present study is probably round about 530, the ministry-wise break-up being as follows:

1.	Home Affairs	...	...	21
2.	Works, Housing and Supply	...	...	13
3.	Steel, Mines and Fuel	...	...	17
4.	Commerce and Industry	...	...	50
5.	Labour and Employment	...	...	45
6.	Transport and Communications	...	...	81
7.	Irrigation and Power	...	...	6
8.	Food and Agriculture	...	...	40
9.	Rehabilitation	...	...	2
10.	Railways	...	...	13
11.	Scientific Research and Cultural Affairs	...	...	22
12.	Education	...	...	49
13.	Community Development and Cooperation	...	...	5
14.	Information and Broadcasting	...	...	94
15.	Defence	...	...	9
16.	Health	...	...	26
17.	Planning Commission	...	...	17
18.	Finance	...	...	5
19.	External Affairs	...	...	3
20.	Law	...	...	Nil
Total:				518 <sup>45</sup>

<sup>45</sup> Some new advisory committees have been set up since 1962, the more important being the following:

1. Board of Trade; 2. Advisory Committee on Economic Policy; 3. Export Inspection Advisory Council; 4. National Advisory Board for Consumers' Co-operatives; 5. Film Consultative Committee; 6. National Advisory Council; 7. Press Consultative Committee; 8. Central Posts & Telegraphs Advisory Council; 9. National Defence Council; and 10. Central Citizens' Council.

### 3

## Causes of the Growth of Advisory Committees

INDEPENDENCE of the country in 1947 stipulated a fundamental change in administrative outlook, seeking to make public administration responsive to popular aspirations and feelings. The Constitution, which came into force on 26 January 1950, has established a 'sovereign democratic republic', deriving all its powers from the people of India. Obviously, installation of the democratic government prepared ground for the growth and development of consultative aspects of policy-making and/or policy-implementation. The acceptance of the goals of welfare state and the ideal of the socialist pattern of society has involved an enormous extension of governmental functions and responsibilities. An inevitable concomitant of this extension has been the setting up of advisory committees to advise the government. These committees have been created, mainly though not exclusively, in connection with these newly acquired



functions. The successive five year plans, inaugurating an era of socio-economic planning in the country, have added a new and powerful focus to the common tendency to set up advisory committees. In fine, democracy has created congenial atmosphere for the growth and development of advisory committees, and the extension of governmental functions and responsibilities provides scope for them.

This, then, is the general setting against which one should view the expanding network of advisory committees attached to the machinery of government. An advisory committee is set up in direct and immediate response to the situational elements of the day, which, under no two cases, are identical or same. These committees are, rightly, 'inherently particular', in the words of Arthur W. Macmahon. They, therefore, hardly constitute a system, strictly speaking. Much less, they are inter-dependent. Nor do they have any organic relationship with one another.

#### CAUSES OF THE GROWTH OF ADVISORY COMMITTEES

Advisory committees have been multiplying in India as in most other democratic countries. They mostly abound in the newly emerged spheres of governmental activities. It may be of interest to analyse the various factors leading to a rapid growth in their number.

In the first place, the constitution of the country entrusts the government with numerous responsibilities of long-range objectives. While properly discharging them, the government has had to look to the non-official elements for counselling. To cite but a few such cases, the constitution places on the government special responsibilities for the welfare of the scheduled castes and scheduled tribes, protection of the milch cattle, progressive enforcement of prohibition, etc. Directly associated with these responsibilities are, respectively, the Central Advisory Board for Harijan Welfare, the Central Advisory Board for Tribal Welfare, the Central Committee on Prohibition and the Central Council of Gosamvardhan. Similarly, the Hindi Shiksha Samiti has been set up to fulfil a constitutional obligation. The resolution announces the formation of this committee 'in pursuance of the directive contained in Article 351 of the Constitution.'<sup>1</sup>

Secondly, the reorganisation of states in 1956 has contributed

<sup>1</sup> Resolution No. F.28-16/51-B.1, dated 22 October 1951, Ministry of Education.

towards the setting up of at least two types of advisory committees. One type is represented by committees, formed to function as miniature legislatures for the local population either in the wake of loss of statehood by certain territories or as a deliberate measure of administrative policy. In this category may be grouped the Advisory Committees for each of the following centrally administered areas—Delhi, Himachal Pradesh, Manipur, Tripura, and the Andaman and Nicobar Islands. These may be termed territorial committees in absence of any other more suitable nomenclature. The Zonal Councils, five in number, have been set up to arrest the centrifugal forces emerging with distressing conspicuousness following the publication of the States Reorganisation Commission's Report in 1955. These Councils constitute the second type.

Thirdly, a large number of advisory committees are rather intimately related to planning and development. This is a reflection of the desire on the part of the Government to embody, in the Five Year Plans, the felt needs of the people, and, further, to seek popular cooperation in their implementation. The need, in the field of planning and development, for advisory committees stems from an overriding desire to make the contents of a plan reflect the needs of the people, and to enlist popular cooperation in its implementation. "Progressive opinion of planning in a democratic society favours a plan which is evolved from below and not one that is imposed from above. It is not difficult to draw up a blue-print of a comprehensive plan, which would satisfy all the theoretical conditions imposed by academic considerations. A plan of this nature can be drawn up by a body of experts with little contact with the masses for whom the plan is intended. Such a plan, however, flawless in its conception, fails to satisfy the desires and aspirations of the people and is, to that extent, foreign to them. In a democratic society, a plan superimposed from above would have little chance of being acceptable to the people for whom it is intended. The tendency, therefore, in democratic planning is to evoke suggestions from the people and this can only be done with the help of representative bodies of a consultative nature. . . . A plan has to take into account even the irrational desires of the people and make room for such desires to the extent possible. It is in this context that consultative bodies of a representative character assume an importance out of proportion to the theoretical need

for such bodies.”<sup>2</sup> Advisory committees falling in this field are quite numerous; and it is not the intention to list all of them here. Suffice to say, the various Development Councils, the Central Advisory Council of Industries and the various panels and committees set up by the Planning Commission are among the advisory committees in this field.

Fourthly, the overall responsibility which the government has undertaken for the economic development of the country spreads out in all directions. Basic to any sustained economic progress, however, is the continuing presence of mutual understanding, particularly between industry, trade unions, and the Government. To this end the consultative committees may contribute a lot. “An economy organised for planned production and distribution, aiming at the realisation of social justice and the welfare of the masses can function effectively only in an atmosphere of industrial peace.”<sup>3</sup> To this end have been set up the various consultative committees in the field of ‘labour’, embodying the tripartite principle in their composition.

Fifthly, the need for tuning the private enterprise to national policies and outlook leads to the formation of advisory committees in fields of trade, commerce, and industry. The goals of the private sector cannot be of its own choosing in an economy geared to achieve a socialist pattern of society. As the *Second Five Year Plan* has emphasized, “The private sector has to play its part within the framework of the comprehensive plan accepted by the community.”<sup>4</sup> The Industrial Policy Resolution of 1956 reiterates the same plea: “Industrial undertakings in the private sector have necessarily to fit into the framework of the social and economic policy of the state and will be subject to control and regulation in terms of the Industries (Development and Regulation) Act and other relevant legislation.”<sup>5</sup> Advisory committees contribute their mite in bringing about this conversion. They strive to

<sup>2</sup> This is an excerpt from a paper on ‘Hearing and Consultation Procedure in Public Administration in India’, prepared by the Indian Delegation for the International Institute of Administrative Sciences (1958 Round Table, held at Liege from 27 June to 3 July 1958). This paper has been published in the *Indian Journal of Public Administration*, July-September 1958, Vol. IV, No. 3.

<sup>3</sup> *First Five Year Plan*, India, Planning Commission, 1951, p. 573.

<sup>4</sup> *Second Five Year Plan*, India, Planning Commission, 1956, p. 23.

<sup>5</sup> Statement of Industrial Policy of Government, *Lok Sabha Debates*, Vol. IV, 30 April, 1956, col. 6694

animate the private sector with nationally approved objectives. Further, their advisory role imparts a look of innocuousness to these bodies, thus disarming effective opposition, if any, and winning cooperation, if possible. The Central Advisory Council of Industries, set up under the Industries (Development and Regulation) Act, 1951, is an example of advisory committees subserving this purpose. The Act says: "For the purpose of advising it on matters concerning the development and regulation of scheduled industries, the Central Government may, by notified order, establish a Council to be called the Central Advisory Council."<sup>6</sup>

Sixthly, progressive realisation of the need for safeguarding and protecting the consumers' interests also motivates the setting up of the advisory committees. The National Railway Users' Consultative Council at the Central level, the Zonal Railway Users' Consultative Committees at the headquarters of each railway, and the Railway Users' Consultative Committees at the regional or divisional levels have been created "with a view to securing better representation of railway users and affording more frequent opportunities for consultation between Railway Administrations and users on matters relating to the service provided by railways and means of improving the efficiency of such service."<sup>7</sup> Another example is the Petroleum Consumers' Advisory Council. In addition to these committees, where the membership is exclusively shared by the consumers' representatives, there are a large number of committees where the practice is to provide partial representation to consumers' interests. The Central Advisory Council of Industries and the various Development Councils are among the advisory committees adopting this practice.

Seventhly, the need for expert advice on various matters—scientific, technical, professional—also prompts the government to solicit the advice of those who have acquired special competence in these several fields, and who are not a part of the regular civil service. As this advice is needed frequently, rather regularly, the seeking of counsel is institutionalised. By implication, the government confesses its deficiency in these specialised fields but, at the same time, is anxious to make this up by arranging, in the form of an advisory committee, a regular flow of advice and information from outside its precincts. Many departments

<sup>6</sup> Section 5(1) of the *Industries (Development and Regulation) Act, 1951*.

<sup>7</sup> Preamble of the Constitution and rules of the Railway Users' Committees.

of the government now-a-days have an organic interest in scientific matters. This, obviously, necessitates familiarity with latest scientific advances. A systematic communication with the scientific world is ensured by institutionalising this contact in the form of advisory committees consisting of experts from outside the governmental fold. The panel of economists, the panel of scientists, both attached to the Planning Commission, the Committee of Experts to coordinate the Research for finding a suitable colour for Vanaspati, the Scientific Food Advisory Panel, the Demographic Advisory Committee, all attached to the Ministry of Food & Agriculture are some of the examples of the expert committees. It is more common, however, for an advisory committee to have both the experts and the representatives of interest groups as its members. This arrangement provides a balance between the specialised needs of a modern government and the representative character of the democratic state.

Eighthly, advisory committees have also been set up with a view to fostering closer acquaintance of the Members of Parliament, through informal discussion, with the principles, problems, and working of government policies and public administration. The primary objective of this class of advisory committee is, not tendering of advice—no terms of reference are laid down for these bodies—, but providing opportunities to the elected representatives for discussion of broad policies of the government in an informal manner. Each ministry (except the Ministry of Law) of the Central Government has an informal consultative committee, consisting exclusively of the members belonging to both the Houses of Parliament. The Ministry of Railways, on the other hand, has eight such committees, one for each of the eight zones into which the railways are divided for the purposes of administration. The membership of the consultative committee may well be preparatory to administrative leadership. This should be treated as a necessary apprenticeship the successful completion of which may, probably, catapult a member to the position of ministerial authority.

These, then, are the principal factors behind the growth and development of advisory committees. Some of them may owe their origin to but one factor but a large majority of them are the result of a combination of factors. And, it may not always be easy to identify the entire range of the operating factors at the root of the formation of a particular advisory committee. There is always scope for doubts,

and a variety of interpretations. This task is, in practice, rendered all the more arduous, as, not unoften, the real cause, or causes, may be at sharp variance with the professed cause, or causes. Indeed, an advisory committee may even be constituted to act as a cover to postpone decision and action on a matter indefinitely; as a shield to protect the minister who might ascribe an unpopular policy to the counsel of an advisory committee; as a sop to public opinion, which might be agitating for a particular course of action; as a device to build up support for a certain course of action which has already been finally settled in a department; or any of such other unspoken motives.

The direct and immediate provocation to constitute an advisory committee may emanate from a wide range of sources. The suggestion need not necessarily originate with the department/ministry of the government, although the final decision must rightly lie with the minister, and the necessary notification must be released by the department concerned. In practice, however, the department may be left with little choice except acquiescing in the suggestion hatched elsewhere. The proposal for an advisory committee may be mooted by some committee or commission, set up by the government to investigate some specific problem, by some discussion group like seminar or conference, by some parliamentary committee such as the Estimates Committee, by a section of Parliament, or by a committee which itself is advisory in nature. The Central Prohibition Committee has been constituted in pursuance of a recommendation by the Chief Ministers' Conference. The Standing Fire Advisory Committee owes its existence to a recommendation of the Chief Fire Officers' Conference,<sup>8</sup> held in August 1955. The Central Advisory Board for Harijan Welfare, and the Central Advisory Board for Tribal Welfare have their genesis in the seminar<sup>9</sup> on Problems of Scheduled Castes and Scheduled Tribes, held in Delhi in December 1955. The formation of the Hindi Shiksha Samiti was suggested by a conference of leading Hindi organisations in 1951.<sup>10</sup>

*Ad hoc* committees, too, have sponsored the setting up of many

<sup>8</sup> Circular No. 45/2/59-ER.II, Ministry of Home Affairs, Government of India.

<sup>9</sup> The recommendations of the Seminar are reproduced in the *Report of the Commissioner for Scheduled Castes and Scheduled Tribes* for the year 1955, Part II, Appendices, Appendix XLVI.

<sup>10</sup> This has been acknowledged in the Resolution setting up this Committee. *Vide Resolution No. F.28-16/51-B.1*, dated 22 October 1951, Ministry of Education.

advisory committees. The Central Customs Reorganisation Committee<sup>11</sup> (1957-58) made a recommendation for forming a Customs Advisory Council at the national level. Similarly, the Direct Taxes Advisory Committee was created in pursuance of a recommendation made by the Direct Taxes Administration Enquiry Committee<sup>12</sup> (1958-59) under the chairmanship of Mahabir Tyagi. Further, the genesis of the Central Sanskrit Board, attached to the Ministry of Education, may be traced to the Report of the Sanskrit Commission<sup>13</sup> (1956-57).

The Estimates Committee of Lok Sabha has itself recommended the setting up of some advisory committees. It, for instance, advised that 'with the creation of a separate Ministry of Community Development, it is necessary that . . . a Central Advisory Committee consisting of officials and non-officials who are economists, sociologists, psychologists, and those who have given thought to the problems of Community Development Programme, should be formed to advise the Ministry of Community Development in the Centre'.<sup>14</sup> It, in another report, favoured the development of 'a consultative machinery at each important level of administration where the representatives of the tax-payer might be provided a forum to point out the defects in the system of tax-administration they might be experiencing and to suggest possible remedies therefor'.<sup>15</sup> "The (Estimates) Committee welcome the proposal for setting up the Customs Advisory Council at the centre . . . . They also recommend that similar central advisory councils may be set up to advise the government in regard to other taxes and duties."<sup>16</sup>

Sometimes, an unusually sharp criticism in Parliament of a certain policy, or aspects of its administration might succeed in securing from the harassed minister an assurance to constitute an advisory committee. The minister could, evidently, induce the members into believing that the things complained of would henceforth be set right under the enlightenment received from an advisory committee. Thus,

<sup>11</sup> *Report of the Customs Reorganisation Committee, 1957-58, Ministry of Finance, Government of India, pp. 94-96.*

<sup>12</sup> *Report of the Direct Taxes Administration Enquiry Committee, 1958-59, Ministry of Finance, Government of India, pp. 253-54.*

<sup>13</sup> *Report of the Sanskrit Commission, 1956-57, Ministry of Education, p. 275.*

<sup>14</sup> *Thirty-Eighth Report of the Estimates Committee, First Lok Sabha, p. 14.*

<sup>15</sup> *Forty-Ninth Report of the Estimates Committee, Second Lok Sabha, p. 13.*

<sup>16</sup> *Ibid., p. 13.*

confronted with the varied criticism of the functioning of the All India Radio in 1961, the Minister for Information and Broadcasting (B. V. Keskar) proposed the formation of an advisory committee, as a possible rescue from a discomforting situation. He said: 'We have a Central Advisory Committee for programmes and we have other committees too. We have instituted these bodies. I am prepared to consider Mr. Mani's suggestion and we can think of an expanded programmes committee or other advisory committees also where participation of cultural and other interests would be there.'<sup>17</sup>

The Planning Commission, too, has hatched proposals for the setting up of some committees. To it goes the credit of suggesting the constitution of the National Development Council. It wrote in 1951: "In a country of the size of India where the States have under the Constitution full autonomy within their own sphere of duties, it is necessary to have a forum such as a National Development Council at which, from time to time, the Prime Minister of India and the Chief Ministers of states can review the working of the Plan and of its various aspects."<sup>18</sup> It, in the *First Five Year Plan*,<sup>19</sup> recommended the formation of the Central Soil Conservation Board, which is, now, attached to the Ministry of Food and Agriculture. Similarly, the suggestion for the establishment of the All India Council for Elementary Education emanated from the panel of educationists of the Planning Commission.

Nor is this all. A word is desirable about the impact of international organisations on national administration in the sphere of advisory committees. It should be noted that international obligations and commitments may induce the government to constitute advisory committees which may effect liaison between this country and some international organisation. The National Commission for Cooperation with the UNESCO was set up in 1949 in pursuance of Article 7 of the Official Act of the United Nations Educational, Scientific and Cultural Organisation. Also, the National Campaign Committee for Freedom from Hunger<sup>20</sup> was constituted in 1960 in response to an

<sup>17</sup> *Rajya Sabha Debates*, Vol. XXXII, No. 9, 24 February 1961, col. 1129.

<sup>18</sup> *First Five Year Plan, A Draft Outline*, India, Planning Commission, Government of India, July 1951, p. 253.

<sup>19</sup> *First Five Year Plan*, India, Planning Commission, 1952, Chapter XXII.

<sup>20</sup> That this committee has been constituted on a request from the F.A.O. is acknowledged in the Resolution itself. Vide *Resolution No. F.6-16/60-C(E)*, dated 6 September 1960, Ministry of Food & Agriculture.



invitation from the Director-General, Food and Agriculture Organisation. Earlier, the Tenth Session of the Conference of the F.A.O. of the United Nations, held in Rome in 1959, had decided to launch a worldwide 'Freedom from Hunger' Campaign extending from 1960 through 1965 under the leadership and general coordination of the F.A.O. The National Cooperating Committee for Arid Zone Research is required, among others, to collect and collate information on Arid Zone Research in India and abroad and make it available to other countries through UNESCO. Similarly, the Interim Indian Veterinary Council was set up in 1954 principally 'to serve as a liaison body between government and the veterinary profession and between Government of India and the International Veterinary Congress.'<sup>21</sup> The Central Rinderpest Control Committee has been created to coordinate rinderpest eradication work between India and other neighbouring countries. The setting up of advisory committees in pursuance of recommendations made by the international organisations is indicative of a gradual shift in national outlook in the direction of internationalism. This seems to be an inevitable process in this thermo-nuclear age.

When all this has been said, the fact remains, *viz.*, a great majority of advisory committees are conceived in the departments, with virtual little promptings from without. They are seeded, so to say, in the departmental nursery. The benefits of this arrangement are, first, that an advisory committee is likely to be set up when a need is felt for it; and, secondly, as it is constituted in the situational context, its terms of reference may be quite precisely drafted to answer to the requirements of the given background. In practice, such a body may prove quite effective for the simple reason that its formation is a reflection of the administrator's sincerity in profiting from its counsel. The departmental freedom in the matter of appointment of a committee, however, is not completely immune from dangers or abuse. For, there is an easy temptation on the part of the department to constitute advisory committees on the least provocation, or, what is worse even, without any intention or preparation to properly harness its services. The cumulative effect may be a proliferation of advisory committees, almost like rabbits, as Winston Churchill once put it in

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<sup>21</sup> *Resolution No. 26(1)/54-A.H.*, dated 29 October 1954, Ministry of Food & Agriculture.

relation to Britain.<sup>22</sup>

To such a pass, it seems, the stage has, perhaps, arrived, or is likely to arrive soon in India. The administrative machinery is dotted with advisory committees. It is not uncommon, therefore, to have a number of committees advising on the same, or nearly the same, subject. Thus, according to the official list the following nine bodies are attached to the Ministry of Steel, Mines and Fuel to advise on the subject 'coal':

1. Coal Council of India;
2. Committee on Production and Preparation of the Coal Council of India;
3. Committee on Assessment of Resources of the Coal Council of India;
4. Committee on Transportation of the Coal Council of India;
5. Committee on Requirements and Utilisation of the Coal Council of India;
6. Fuel Efficiency Committee;
7. Coal Advisory Committee;
8. Coal Transport Advisory Committee; and
9. Coal Production Advisory Committee.

Of these nine committees, four (Nos. 2, 3, 4, 5) are, in fact, sub-committees of the Coal Council of India, thus, leaving at least five committees in the field. Matters relating to 'production' receive attention of the Coal Production Advisory Committee, and a sub-committee of the Coal Council of India. Similarly, the Coal Transport Advisory Committee, and a sub-committee of the Coal Council of India are apparently engaged in advising on matters pertaining to 'transport'. Further,

<sup>22</sup> In May 1940 Winston Churchill wrote to Sir Edward Bridges, the Secretary to the Cabinet: "I am sure there are too many committees of one kind and another which ministers have to attend. These should be reduced by suppression or amalgamation". [*The Second World War, Vol. II—Their Finest Hour*, London, Cassell & Co., 1951 (Third Revised Edition), p. 560]. Eight months later he wrote to Sir Edward Bridges:

"1. Let me have a list of all committees of a Ministerial character forming part of the Central Government, with any offshoots there may be

"2. Ask each department to furnish a list of all the committees of a departmental nature which exist at the present time

"3. This information is the prelude to a New Year's effort to cut down the number of such committees." (*The Second World War, Vol. III—The Grand Alliance*, p. 637).

In May 1943 he again enquired: "How is your plan to cut down the number of committees in response to a minute which I sent out about three months ago, getting on? We must have a good tightening up and pruning all around." (*The Second World War, Vol. IV—The Hinge of Fate*, p. 853).

attached to the Ministry of Transport & Communications are the Road and Inland Water Transport Advisory Committee, and the Transport Development Council, with overlapping functions. On both these committees the representatives of the state governments and of the ministries concerned sit, though on the latter body, the states are represented by their ministers in charge of the portfolio of 'Transport', or the Chief Ministers. Matters considered by the former committee are subsequently discussed at the meeting of the Transport Development Council, which is the highest advisory committee on matters concerning roads, road transport, and inland water transport.

Similarly, at least three advisory committees are simultaneously advising on 'welfare', which, under the Constitution, is the States' sphere of responsibility;

1. Advisory Board on Social Welfare;
2. Central Advisory Board for Harijan Welfare;
3. Central Advisory Board for Tribal Welfare; and

The last two committees have an apparent justification for separate existence in view of the constitutional provisions for the welfare and advancement of the scheduled castes and the scheduled tribes. But, the Advisory Board on Social Welfare has hardly any *locus standi*, as there is already another Board in existence, *viz.*, the Central Social Welfare Board. Interestingly enough, the latter has evolved from the Advisory Board on Social Welfare. Logically speaking, the older body should have ceased to exist with the advent of a separate Board in 1953. It is unnecessary to develop this theme any further. These instances serve to show that there is an easy disposition on the part of the administration to set up—and, retain—advisory committees.

Apparently disconcerted at this multiplication of advisory committees, a Member of Parliament posed, in 1958, a set of questions, and gave his own reactions on them. He wrote:

"One is naturally tempted to ask: (1) Do the central departments have, before them, when they decide to set up a new consultative body, full and comprehensive information regarding the number, functions, size and composition and rules of procedure of all advisory councils and committees already existing in the Government? (2) Has the government worked out for their own guidance any criteria, based on an appraisal of the past experience and results, to determine the extent to which the elements of expertise

and representation should be combined together in a certain advisory committee or council to be set up? (3) Has the government evolved any model standards and rules about the size, business procedures, etc., to ensure and improve the effectiveness of consultative bodies? So far as the present writer is aware, the answer to all these three questions is in the negative. In the absence of the above-mentioned information, criteria and standards is it not likely that the functions of some of the advisory bodies overlap and that the advisory councils and committees at times tend to 'window-dress', 'delay', and 'nullify' certain policies and programmes of a government department?"<sup>23</sup>

This chapter's main concern is with the first query, viz., "Do the central departments have, before them, when they decide to set up a new consultative body, full and comprehensive information regarding the number, functions, size, and composition and rules of procedure of all advisory councils and committees already existing in the Government?" Happily, there is, now, a ready list of all the advisory committees, attached to the various ministries of the Central Government, thanks to a parliamentary question on this subject. However, any detailed information on the five hundred and thirty and odd advisory committees existing in 1961, has not to this date been compiled by the Central Government. A department can, thus, have no access to the nature of information envisaged in the above question. It, however, seems that there is a practice to invite information on advisory committees from some other ministry, or ministries, before the profiles of a proposed committee are finally determined by a ministry. It is not known if this is a regular, or widespread practice. Nevertheless, some ministries, at least, are generally following it. Thus, the Ministry of Education, when engaged in setting up the Advisory Council on Social Education,<sup>24</sup> requested the Ministry of Home Affairs to supply details of similar advisory committees set up by the Ministry of Home Affairs, so that these could be examined before any further action could be taken.

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<sup>23</sup> H. C. Mathur's Letter published in *The Indian Journal of Public Administration*, Vol. IV, No. 4, October-December, 1958, p. 478.

<sup>24</sup> The formation of this committee was recommended, in early 1962, by the Social Education Coordination Council.

## 4

# Classification of Advisory Committees

**T**HE Task of classifying advisory committees is peculiarly difficult, the reason being their 'legionary, fugitive and inherently particular' character. Yet, an attempt in this direction is both desirable and necessary, for classification is among the first conditions of any scientific study and investigation.

Advisory committees may be broadly classified into statutory committees and non-statutory ones. The former committees owe their existence to statutory enactments, and this is calculated to invest them with permanence and independence. The committees, which trace their origin to some statute, are far less in number than those set up by the executive of its own will and subject to abolition at its pleasure. The statutory advisory committees comprise nearly 8 per cent of the total number of advisory committees in the Central Government. More important among them are listed below:

1. Central Advisory Council of Industries;

2. Development Councils (17 in all);
3. Company Law Advisory Commission;
4. Advisory Committee on Capital Issues;
5. Central Haj Committee;
6. Drugs Technical Advisory Board;
7. Drugs Consultative Committee;
8. Coal Mines Labour Welfare Fund Advisory Committee;
9. Mica Mines Labour Welfare Fund Advisory Committee for Bihar, Andhra Pradesh and Rajasthan;
10. Advisory Board under Displaced Persons (Compensation and Rehabilitation) Act, 1954;
11. Dock Workers Advisory Committee;
12. Mining Boards (7 in all);
13. Minimum Wages Central Advisory Board;
14. Central Committee for Food Standards;
15. National Shipping Board;
16. Central Advisory Committee for Lighthouses; and
17. Zonal Councils (5 in all).

The classification of advisory committees into statutory and non-statutory ones hardly claims any marked practical utility, as the statutory origin of a committee is not necessarily indicative of its effectiveness. This classification, therefore, cannot be entirely satisfactory.

A study<sup>1</sup> of the Indian administrative system classifies the advisory committees into the following four types:

- “1. Advisory bodies which aim at associating groups or classes of citizens with the execution of a particular policy of the Government which affects them.
2. Committees and councils set up at higher levels to associate affected interests (such as labour, commerce, industry, etc.) with the determination of sub-policies and governmental procedures involving dealings with the public.
3. Advisory bodies for purposes of research and enquiry and for associating experts and specialists from outside the government to advise on specific problems.

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<sup>1</sup> The Indian Delegation to the Regional Conference of Public Administration, Philippines, 1958. *Vide* Indian Institute of Public Administration, *The Administrative System of India* (cyclostyled copy placed in the Library of the Institute), p. 20.

4. Advisory bodies to advise on matters of planning. Here, the chief advisory body is the central Planning Commission."

As advisory committees are generally identified with democracy, it may be appropriate to arrange them into two broad types: those which are set up to provide representation to different interests in obvious deference to the democratic principle; and others inspired by a complex of other motives and considerations. The first category comprises the consultative or representative advisory committees. The second category may be further classified according to the distinct individual complexion of the committees. Thus, the committees of this type may be classified into : (i) expert committees, (ii) advisory committees for independent administration, (iii) informal consultative committees of Members of Parliament, (iv) zonal councils, and (v) territorial committees.

Before proceeding to discuss each type of committee here, it may be worthwhile to refer to the classification of advisory committees as attempted by leading authorities on the subject. This is presented in a tabular form:

#### ADVISORY COMMITTEES CLASSIFICATION

Arthur W. Macmahon 'Advisory Boards' in <i>Encyclopaedia of the Social Sciences</i>	Vernon and Mansergh <i>Advisory Bodies</i>	K. C. Wheare <i>Government by Committee</i>	P. E. P. Study <i>Advisory Committees in British Government</i>
1. Representative advisory boards.	1. Advisory com- mittees intended to operate conti- nuously as a part of the machinery of administration.	Wheare arranges all the committees into six types, making function or process the basis of such arrangement:	1. Consultative committees
2. Technical expert advisory boards.	2. Advisory com- mittees entrusted with the task of advising on the need for and the form of legislation	1. Committees to advise 2. Committees to inquire 3. Committees to negotiate	2. Expert Com- mittees
	3. Committees of research and en- quiry.	4. Committees to legislate 4. Committees to administer 6. Committees to scrutinise and control	3. Committees for independent administration.

## I. CONSULTATIVE COMMITTEES

An advisory committee is generally regarded as an extension of the democratic principle. It provides representation to the various interest groups, and, thus, at least indirectly, enlists participation of the affected people in the administrative processes, broadening thereby the basis of democratic practice. Modern democracies deny functional representation. Nevertheless, the government, directing and regulating the entire life of a community, has necessarily to acquire an intimate understanding of matters incident to a highly diversified society. While framing policies a department has to draw upon the experience of the affected interests, and also to take into account their anxieties and aspirations. As a rule, therefore, "the making of policy . . . is the more successful, the larger the number of affected interests consulted in its construction."<sup>2</sup> An advisory committee, representing different interest groups, is a ready and convenient institutional device of mutual consultation, even a little negotiation, among these interests, and, at the same time, of providing necessary guidance to the department by acquainting it with their problems and expectations.<sup>3</sup> In a community committed to the socialistic pattern of society as well as economic planning, the need for cooperation of those affected by increasing governmental regulation of economy cannot be overemphasized. An increased use of advisory committees is, thus, commended, to make policies answer the needs of the people affected by it, to win their cooperation in its implementation, or to remove, or atleast minimise, their opposition. A majority of advisory committees are consultative in character, having representatives of several affected interests as their members. Nomination is made by the department concerned, though on some of the advisory committees representation is accorded to some associations also. Thus, the Federation of Indian Chambers of Commerce, and the Associated Chambers of Commerce are each allowed representation in the Import Advisory Council, and the Export Advisory Council. The former organisation sends two of its personnel—chairman, and secretary—to the Import and Export Advisory Councils as against one from the

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<sup>2</sup> Laski, Harold J.: *A Grammar of Politics*, London, George Allen & Unwin, 1925, p. 375.

<sup>3</sup> K. C. Wheare, for instance, writes: "It is only after hearing the interested parties and bringing them together to hear each other and perhaps to negotiate a little with each other that a department can obtain the guidance it needs." *Government by Committee*, Oxford, Clarendon Press, 1955, p. 53.



Associated Chambers of Commerce. The Bharat Adimjati Sangh was allowed representation on the Central Advisory Board for Tribal Welfare. Now this recognition seems to have been withdrawn, though an individual, who is a member of the Sangh, serves on the Board. Also, some trade unions, and employers' associations are represented on the consultative committees attached to the Ministry of Labour and Employment. The general practice, however, is that it is the Government which nominates members on almost all the advisory committees.

The various consumers' committees, mostly attached to the Ministry of Railways, constitute another variant of consultative committees. The consumers' interests are sought to be represented partially in other consultative committees as well. Thus, care is taken to secure the representation of their viewpoint in the Central Advisory Council for Industries,<sup>4</sup> Development Councils,<sup>5</sup> etc. The overall effectiveness of the consumers' committees representing the consumers' interests is, however, reduced because the consumers are relatively unorganised. There is a common tendency to nominate the Members of Parliament and the professional journalists as consumers' representatives. The National Railway Users' Consultative Council; the Zonal Railway Users' Consultative Committee at the headquarters of each railway, the Railway Users' Consultative Committee at the regional or divisional level, etc., come under this category of consultative committees.

Still another variant of consultative committees includes those formed on the basis of clientele and to this class belong the Central Advisory Board for Tribal Welfare, the Central Advisory Board for Harijan Welfare, both attached to the Ministry of Home Affairs, and the Women's Advisory Committee, attached to the Ministry of Community Development and Cooperation.

## II. EXPERT COMMITTEES

A different type of advisory committees, which has emerged of late to advise the public administration, is that of expert committees. With progressive diversification of the society, the tasks of a modern government are becoming increasingly technical and complex. It must have men possessing scientific, technical, and professional skills; and if these are not already in its employ, it must set out to employ them from

<sup>4</sup> Section 5(2)(c) of the *Industries (Development and Regulation) Act, 1951*.

<sup>5</sup> Section 6(1)(d) of the *Industries (Development and Regulation) Act, 1951*.

outside the governmental fold. If these skills are not available outside, it has to conduct researches on its own. It would seem, therefore, that there is no need for advisory bodies to provide expert advice to the Government. This, however, is not wholly correct. The necessity for such committees arises when the expert advice is needed only occasionally and this may not warrant the employment of those who possess the necessary skill. Secondly, even if the government has a staff regularly to furnish the administration with scientific, technical, and professional knowledge, familiarity with latest discoveries and inventions in the respective fields is an urgent necessity. In both these situations, it would be appropriate to set up an advisory committee consisting of experts. Thus, the Planning Commission consults experts in their several fields while preparing the five year plan. As this consultation takes place probably once in five years, it may better be arranged through an advisory committee. The various panels of experts set up by the Planning Commission ensure regular flow of knowledge from outside the government. The resolution setting up such panels outlines the typical image of an expert committee: "The Planning Commission is at present engaged on the preparation of the . . . Five Year Plan and desires to secure in this task advice and assistance of experts who have special knowledge and experience in their respective fields of work. It has, therefore, been decided to appoint a number of panels consisting of experts in the Economic, Technological and other fields."<sup>6</sup> The Planning Commission set up the following nine panels in connection with the preparation of the Third Five Year Plan: Panels on (i) Agriculture, (ii) Health, (iii) Ayurveda, (iv) Land Reform, (v) Education, (vi) Housing, and Panels of (vii) Economists, (viii) Scientists, and (ix) Labour. All panels, except those of economists, scientists, and that on Ayurveda, included Members of Parliament on these bodies. The panel of economists advised the government on its economic policy in general and, in particular, on its economic policy in regard to the framework of the Five Year Plan. From this point of view, a more detached<sup>7</sup> body is the panel of scientists advising the government on scientific policy. Many of the committees are manned exclusively by experts. On a large number of committees the

<sup>6</sup> *Resolution No. PC(1)/XI(1)/55*, dated 3 March, 1955.

<sup>7</sup> Even the economists may—and do—belong to different schools of thought. But the scientists manifest a (nearly) complete objectivity of approach.

experts sit along with the representatives of the interest groups. Taken together, therefore, the experts are in great request, and sit on a large number of advisory committees. This element is a pointer to the highly specialised and diversified requirements of a modern administration. A large number of advisory committees, strictly speaking, are neither consultative committees nor the expert ones, but partake of the character of both and seek a balance between the specialised requirements of a modern government and the representative character of a democratic administration. Pragmatism which so thoroughly informs the system of advisory committees also underlies this blending of the characteristics of both—the consultative and the expert committees. As an informative study<sup>8</sup> of the advisory committees in Britain reveals, “some committees are obviously expert and others are obviously consultative, but there are a great many which are difficult to put into these categories because they combine both functions. Indeed, no matter how technical or how scholarly an expert committee, it is almost certain to provide some channel of contact with parts of the community, like a consultative committee, since its members unconsciously represent the outlook of their discipline or profession”. Therefore, the terms ‘expert’ and ‘interest group’ are not absolute or mutually exclusive. An ‘interest group’, by constantly dabbling in the subject-matter, does acquire the necessary *expertise*. Further, even an expert could be an interested party. It is, therefore, obvious that the epithets ‘consultative’ and ‘expert’ do not admit of any rigid application and, thus, their use is not indicative of two watertight compartments. The distinction between the two types of advisory committees is one of degree only, though one can say with certainty that this advisory body is *primarily* consultative and that one *primarily* expert.

### III. COMMITTEES FOR INDEPENDENT ADMINISTRATION

In addition to these two principal types of advisory committees, there are some other types, which, too, deserve mention here. Advisory committees for independent administration constitute an altogether distinct pattern. They are bodies which have an advisory role, but which, all the same, decide things themselves. *De jure*, they are advisory; *de facto*, they are administrative bodies. Committees having quasi-judicial functions, tripartite bodies attached to the Ministry of

<sup>8</sup> *Advisory Committees in British Government, op.cit.*, p. 14.

Labour and Employment and those engaged in performing functions of a political nature come under this category. The following advisory committees have the traits of this type:

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

1. Committee for Research Fellowships and Fundamental Research Grant
2. Central Selection Committee for sending cultural delegations abroad

MINISTRY OF EDUCATION

3. Selection Committee for the award of fellowships
4. Selection Committee for the award of stipends to candidates of the Department's one-year Archival Diploma Course.
5. Selection Committee for presentation of free gifts of Hindi books to non-Hindi States

MINISTRY OF COMMERCE AND INDUSTRY

6. All India Handicrafts Board

PLANNING COMMISSION

7. National Development Council.

All the above bodies, except the All India Handicrafts Board, are charged with regulatory or quasi-judicial functions or functions of a political nature, and, in practice, have been given autonomy or near-autonomy. The classification of the All India Handicrafts Board under this pattern, though somewhat surprising, is, nevertheless, right. The Board is an advisory body but, due to reasons best known to it as well as to the Central Government, it has arrogated to itself the powers and functions of an administrative body. This, therefore, is a classic case of an advisory committee which has gone astray; but of this more anon.

IV. TERRITORIAL COMMITTEES

Then, there is the type of advisory committees, which may be called the territorial committees—five in all—formed in the wake of the states' reorganisation in 1956. With the coming into force of the States Reorganisation Act, 1956, the following are among the territories, which

have been declared 'union territories' and which have come under the direct administration of the Central Government: Delhi, Himachal Pradesh (now, a State since January 1971), Manipur (now, a State since January 1972), Tripura (now, a State since January 1972), and the Andaman and Nicobar Islands. Denied state legislatures and popularly elected governments, these territories—at least some of them—felt aggrieved. Against this general background the five advisory committees, one for each of these five union territories, emerged as miniature legislatures. Unlike other advisory committees where functional representation is generally provided, these committees have been constituted on 'territorial' basis. Secondly, unlike other consultative bodies which are regarded as projections of democracy, these five committees have been designed as substitutes for parliamentary institutions. Lastly, unlike other advisory committees which usually look after only one specified set of activities, these committees are miniature legislatures, and perform a host of functions ranging from the asking of questions to the approving of the budget for the territory. These advisory committees are, therefore, cast in an essentially different mould, which warrants their separate classification. The committees are associated with the Minister for Home Affairs who is responsible for the administration of the union territories. The personnel of the advisory committee include the Members of Parliament representing the territory, a high-ranking official of the local administration (lieutenant-governor<sup>9</sup> or chief commissioner<sup>10</sup>), one or two office-bearers in the local government of the territory, and one or two other individuals. Thus, the minister is denied the luxury of a choice in the matter of nomination of members on the committee.

These committees have been classified separately, as they are unique in composition, functions, and behaviour. Though they are, doubtless, advisory bodies, their status is higher than that of the consultative committees but lower than that of the parliamentary institutions in whose image, no doubt, they have been, in the main, cast.

#### V. ZONAL COUNCILS

An integral part of the States Reorganisation Act, 1956 are the five

<sup>9</sup> As in the case of Himachal Pradesh.

<sup>10</sup> As in the case of other Union Territories.

Zonal Councils, all geared to a role alien to most advisory committees, and they constitute a distinct pattern of advisory committees. The membership is restricted to the participating states. The Zonal Council provides a statutory forum for the discussion on, and formulating recommendations with regard to, border disputes, safeguards for linguistic minorities, problems of inter-state transport, or any other matter of common interest in the field of economic and social planning. The Central Government is both intimately and extensively involved in the set-up of the Zonal Councils. The Union (home) Minister is the chairman of each of the Councils, effectively controlling their working, and the administrative expenses of these bodies are borne by the Central Government. The Zonal Councils are essentially intended as an arm of the Central Government to arrest any swing towards too acute a state consciousness, and to provide one more prop to the federal structure. These councils, strictly speaking, fall within the realm of inter-state and union-state relationships, and are associated with the administrative processes. Nevertheless they are advisory committees,<sup>11</sup> justifying, therefore, their inclusion in the present study. There are five Zonal Councils, which between them cover all the fifteen States, and the four<sup>12</sup> out of seven Union territories: Northern Zonal Council, Central Zonal Council, Western Zonal Council, Southern Zonal Council, and Eastern Zonal Council. These bodies, like the territorial committees, described in the preceding paragraph, have been constituted on territorial, as distinguished from functional basis. Unlike, however, the territorial committees which are, in effect legislative bodies, and have been created in lieu of legislative organs, the Zonal Council, insofar as it expresses its concern for regional planning, aims at providing an 'areal' approach to public administration.

#### VI. INFORMAL CONSULTATIVE COMMITTEES OF MEMBERS OF PARLIAMENT

The preceding discussion does not exhaust all types of advisory committees. There is still another type of advisory bodies which may also be mentioned in this context. This type is represented by the informal consultative committees, consisting exclusively of Members of

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<sup>11</sup> Section 21(1) of the *States Reorganisation Act*, 1956.

<sup>12</sup> The Andaman and Nicobar Islands, the Laccadive, Minicoy, and Amindivi Islands, and Goa, Daman and Diu are not included in any of the Zonal Councils.

Parliament, and attached to the various departments/ministries of the Government of India. There are three sharp features of these informal consultative committees, which easily distinguish them from other advisory bodies. First, this is an informal arrangement. The informal consultative committee has no terms of reference; it does not involve itself in any consequential action; and it periodically meets to exchange ideas, and seek information on various problems and issues falling within the jurisdiction of a department/ministry. Secondly, its membership is restricted to the Members of Parliament only. There are no rules governing eligibility to membership. A member may give his preference for any committee but he can not be a member of more than two committees at a time. Thirdly, the objective underlying the informal consultative committees is primarily educative: it is to bring the Members and the Government nearer each other in order to foster closer and better understanding of the functioning of the Government, among the Members. As the committee is not expected to frame recommendations on a set of issues, the discussion is entirely informal. No party whips are issued, as the prestige and future of the party is never at stake. These committees are, in a sense, training grounds for the Members of Parliament to acquire deeper understanding of administrative processes and activities. Their essential functions are, thus, of a tutorial nature.

To sum up, the five hundred and thirty and odd advisory committees attached to the Central Government can be classified into the following six principal types:

1. Consultative Committees;
2. Expert Committees;
3. Committees for independent administration;
4. Territorial Committees;
5. Zonal Councils; and
6. Informal Consultative Committees.

In social disciplines, neat categorisation is, however, not possible, for overlapping is inevitable. Further, the system of advisory committees is essentially empiric in nature and in functioning. An advisory committee is created in consequence of a set of immediate situational requirements. Obviously enough, the zeal for symmetry or neat categorisation seldom informs its composition. Its ends are frankly

practical. Therefore, the theoretical excellence of the 'pure' consultative committee *vis-a-vis* the 'pure' expert committee, or some other similar considerations, hardly enter the calculus. As Arthur W. Macmahon pointedly writes. "Legionary, fugitive, inherently particular, their (advisory committees') utility lies in just these characteristics which make it impossible to classify them".<sup>13</sup> Neat classification is certainly not possible. Yet, the various advisory committees should be broadly classified, if only in the interest of making them appear in clearly identifiable patterns rather than leaving them in an indistinguishable herd.

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<sup>13</sup> *Encyclopaedia of the Social Sciences*, Vol. II, p. 609.



## 5

# Structure

AN ADVISORY committee is a means to an end and it is brought into being to effect, what John Cohen calls "some change in the world beyond itself".<sup>1</sup> It has, strictly speaking, relevance and utility only in the context of some task assigned to it by the Government. The accomplishment of this task requires that the committee must at once go down to brass tacks and perform its allotted task with expedition, competence, and firmness. To no small extent, the effectiveness of an advisory committee depends, among other things, upon the quality of its membership, range of relevant interests of viewpoints represented on it, while at the same time keeping it a properly balanced body, its largely frictionless functioning, and, lastly, the general respect and confidence it inspires among people. Though a committee is more than the assemblage of individuals composing it, the impact of individual merits cannot but make itself felt. While constituting a committee,

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<sup>1</sup> Cohen, John, 'Study of Committees and Conferences' in *Public Administration*, London, Winter, 1952, p. 361.

therefore, abilities of the candidates should be the primary consideration in matters of appointment. As several individuals have to sit and work together, their talents and qualifications should be so balanced as is likely to keep the committee on an even keel. What constitutes proper balance would doubtless vary according to what is expected of the committee. Nevertheless, fundamentally, a balance has to be achieved between the diverse viewpoints germane to the subject. This, by no means, is easy, for harmony is of the essence of the functioning of a committee. Otherwise there will be no unanimous opinions—a situation which gravely undermines the utility of the advisory committee. The committee is expected to arrive at an agreed course of action and nothing is, perhaps, more damaging to its effectiveness than widely different, and usually conflicting and merely nebulous recommendations and suggestions. In expert committees, in particular, the unanimity of opinion is the first condition of effectiveness. The general effectiveness of the committee, thus, depends upon the high calibre of membership, proper balancing of the diverse viewpoints on the issue, and its harmonious functioning. Besides, this effectiveness can be further enhanced by deliberate cultivation of prestige. A committee would be generally held in greater respect both in the official circles and by the public at large, if its members are well-known figures in their fields, and, further, enjoy the esteem and confidence of the people. In fine, the key to success of many an advisory committee lies in proper structuring. “Obviously”, writes the PEP study *Advisory Committees in British Government*, “Government advisory committees depend in part for their effectiveness on the solution of problems of composition common to all committees”.<sup>2</sup>

#### METHODS OF APPOINTMENT

The official announcement of the advisory committee and the formal nomination of the members to it are made on behalf of the minister concerned. It may, however, be noted that the National Development Council, consisting of the Prime Minister, the chief ministers of all states and the members of the Planning Commission, owes its formation to a notification by the Cabinet Secretariat,<sup>3</sup> thus acquiring a high status and national character. The official notification employs expressions

<sup>2</sup> *Advisory Committees in British Government*, p. 35.

<sup>3</sup> *Resolution No. 62/CF/52*, dated 6 August 1952, Cabinet Secretariat.

like—"It has been decided to appoint . . .", "The Government of India have decided to set up. . .", etc. In the case of the Advisory Committees for Delhi, Himachal Pradesh, Tripura, Manipur and Andaman and Nicobar Islands (and one or two other advisory committees) the notification is issued under the name of the President. The notification says: "The President is pleased to constitute an Advisory Committee in respect of the Union Territory of . . . to be associated with the Minister of Home Affairs who will be responsible for the administration of the Union territories."<sup>4</sup> This is because, technically, the administration of the Union Territories vests in the President of the Indian Republic.

There is no one method of appointing members on advisory committees. A variety of practices has grown up in course of time. A study of various advisory committees reveals the prevalence of the following five methods of appointment:

The minister has virtually no option or choice in the appointment of members on the advisory committee. Representation is accorded to certain organisations and associations which apparently have the freedom to appoint any one they please. Thus, in the Import and Export Advisory Councils, the Federation of Indian Chamber of Commerce and Industry, and the Associated Chambers of Commerce are represented, the former organisation sending two of its representatives—the chairman and the secretary—as against one from the Associated Chambers of Commerce. To illustrate the extent and nature of this mode of recruitment, the following associations are accorded representation on one advisory committee or the other. The list, however, is only illustrative, not comprehensive:

1. ALL INDIA FEDERATION OF EDUCATIONAL ASSOCIATIONS
  1. All India Council for Secondary Education
2. ALL INDIA MANUFACTURERS' ASSOCIATION
  1. Capital Issues Advisory Committee
  2. National Railway Users' Consultative Council
  3. Indian Labour Conference
  4. Standing Labour Committee
  5. Steering Group on Wages
  6. Central Advisory Committee on Problems of Employment
3. ALL INDIA MEDICAL LICENTIATE ASSOCIATION
  1. Central Family Planning Board

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<sup>4</sup> Notification No. 19/30-56/SRI, dated 8 November 1956.

4. ALL INDIA ORGANISATION OF INDUSTRIAL EMPLOYERS
  1. Indian Labour Conference
  2. Standing Labour Committee
  3. Steering Group on Wages
  4. Joint Consultative Board of Industry & Labour
  5. Central Advisory Committee on Problems of Employment
5. ALL INDIA TRADE UNION CONGRESS
  1. Indian Labour Conference
  2. Standing Labour Committee
  3. Central Advisory Committee on Problems of Employment
6. ALL INDIA WOMEN'S CONFERENCE
  1. Central Family Planning Board
7. ALL INDIA YOUNG FARMERS' ASSOCIATION
  1. Animal Husbandry Wing of the Board of Agriculture
  2. Crops & Soils Wing of the Board of Agriculture
8. ASSOCIATED CHAMBERS OF COMMERCE & INDUSTRY
  1. Import Advisory Council
  2. Export Advisory Council
  3. Central Advisory Board on Forest Utilisation
  4. Capital Issues Advisory Committee
  5. Iron & Steel Advisory Council
  6. Central Advisory Committee on Lighthouses
  7. Central Purchase Advisory Council
9. ASSOCIATION OF MEDICAL WOMEN OF INDIA
  1. Board of Administration, Lady Hardinge Medical College and Hospital, New Delhi.
10. ASSOCIATION OF PRINCIPALS OF TRAINING COLLEGES
  1. All India Council for Secondary Education
11. BENGAL NATURAL HISTORY SOCIETY
  1. Indian Board for Wild Life
12. BHARTIYA ADIMJATI SEWAK SANGH
  1. Central Advisory Board for Tribal Welfare
13. BHARTIYA GRAMEEN MAHILA SANGH
  1. Animal Husbandry Wing of the Board of Agriculture & Animal Husbandry in India
  2. Crops & Soils Wing of the Board of Agriculture and Animal Husbandry in India
  3. Central Family Planning Board

GOVERNMENT THROUGH CONSULTATION

14. BHARAT KRISHAK SAMAJ
  1. Indian Council of Agricultural Education
15. BHARAT SEWAK SAMAJ
  1. Central Family Planning Board
  2. Standing Committee on cleanliness in Delhi
16. BOMBAY NATURAL HISTORY SOCIETY
  1. Indian Board for Wild Life
17. BOMBAY RAJYA MACHIMAR SAHAKARI SANSTHA
  1. Advisory Committee for the Deep Sea Fishing Station, Bombay
18. CALCUTTA LINERS CONFERENCE
  1. Merchant Navy Training Board
19. COMPANY OF MASTER MARINERS OF INDIA
  1. Central Advisory Committee for Lighthouses
20. EMPLOYERS' FEDERATION OF INDIA
  1. Indian Labour Conference
  2. Standing Labour Committee
  3. Steering Group on Wages
  4. Joint Consultative Board of Industry & Labour
  5. Central Advisory Committee on Problems of Employment
21. ENGINEERING ASSOCIATION OF INDIA
  1. Central Purchase Advisory Council
22. FAMILY PLANNING ASSOCIATION OF INDIA
  1. Central Family Planning Board
23. FARMERS' FORUM
  1. Animal Husbandry Wing of the Board of Agriculture and Animal Husbandry of India
  2. Crops & Soils Wing of the Board of Agriculture and Animal Husbandry of India
24. FEDERATION OF AUTOMOBILE ASSOCIATION OF INDIA
  1. Tourist Development Council
25. FEDERATION OF HOTEL & RESTAURANT ASSOCIATION OF INDIA
  1. Tourist Development Council
  2. Hotel Consultative Committee
26. FEDERATION OF INDIAN CHAMBERS OF COMMERCE & INDUSTRY
  1. Import Advisory Council
  2. Export Advisory Council
  3. Central Advisory Board on Forest Utilisation

4. Capital Issues Advisory Committee
5. Advisory Board for National Atlas and Geographical Names
6. National Railway Users' Consultative Council
7. Iron & Steel Advisory Council
8. Central Advisory Committee for Lighthouses
9. Government Test House Advisory Body
10. Central Purchase Advisory Council
27. GANDHI MEMORIAL LEPROSY FOUNDATION
  1. Leprosy Advisory Committee
28. GANDHI SMARAK NIDHI
  1. Leprosy Advisory Committee
29. GAUSHALA FEDERATION
  1. Animal Husbandry Wing of the Board of Agriculture & Animal Husbandry of India
30. HIDES & SKIN SUPPLIERS ASSOCIATION
  1. Veterinary Parasitology and Zoology Committee
31. HIND KUST NIVARAN SANGH
  1. Leprosy Advisory Committee
32. HIND MAZDOOR SABHA
  1. Indian Labour Conference
  2. Joint Consultative Board of Industry & Labour
  3. Standing Labour Committee
  4. Steering Group on Wages
  5. Central Advisory Committee on Problems of Employment
33. INDIAN CHEMICAL MANUFACTURERS' ASSOCIATION
  1. Government Test House Advisory Body
34. INDIAN CHEMICAL SOCIETY
  1. Drugs Technical Advisory Board
35. INDIAN COLLIERY OWNERS ASSOCIATION
  1. Mineral Advisory Board
36. INDIAN CONFERENCE OF SOCIAL WORK
  1. Central Family Planning Board
37. INDIAN COUNCIL OF CHILD WELFARE
  1. Central Family Planning Board
38. INDIAN COUNCIL OF MEDICAL RESEARCH
  1. Drugs Technical Advisory Board
  2. Central Committee for Food Standards

39. INDIAN MEDICAL ASSOCIATION
  1. Drugs Technical Advisory Board
40. INDIAN MINING ASSOCIATION
  1. Mineral Advisory Board
41. INDIAN MINING FEDERATION
  1. Mineral Advisory Board
42. INDIAN NATIONAL TRADE UNION CONGRESS
  1. Indian Labour Conference
  2. Standing Labour Committee
  3. Steering Group on Wages
  4. Joint Consultative Board of Industry & Labour
  5. Central Advisory Committee on Problems of Employment
43. INDIAN NATIONAL STEAMSHIP OWNERS' ASSOCIATION
  1. Central Advisory Committee for Lighthouses
  2. Merchant Navy Training Board
  3. Shipping Coordination Committee
44. INDIAN OLYMPIC ASSOCIATION
  1. All India Council of Sports
45. INDIAN RED CROSS SOCIETY
  1. Central Family Planning Board
46. INDIAN SCIENCE CONGRESS ASSOCIATION
  1. Indian Council of Medical Research
47. INDIAN TEA ASSOCIATION
  1. Crops & Soils Wing of the Board of Agriculture & Animal Husbandry in India
48. MADHYA PRADESH MINING ASSOCIATION
  1. Mineral Advisory Board
49. MADRAS VETERINARY ASSOCIATION
  1. Interim Indian Veterinary Council
50. MAHAROGI SEWA MANDAL
  1. Leprosy Advisory Committee
51. MARITIME UNION OF INDIA
  1. Merchant Navy Training Board
52. MICA FACTORY OWNERS' ASSOCIATION
  1. Mica Advisory Committee
53. MICA MERCHANTS ASSOCIATION
  1. Mica Advisory Committee

54. MISSION TO LEPERS
  1. Leprosy Advisory Committee
55. NATIONAL SPORTS CLUB OF INDIA
  1. All India Council of Sports
56. SHIKAR OUTFITTERS ASSOCIATION OF INDIA
  1. Tourist Development Council
57. TRAVEL AGENTS OF INDIA
  1. Tourist Development Council
58. UNITED PLANTERS' ASSOCIATION OF SOUTHERN INDIA
  1. Crops & Soils Wing of the Board of Agriculture and Animal Husbandry in India
59. UNITED TRADE UNION CONGRESS
  1. Indian Labour Conference
  2. Standing Labour Committee
  3. Central Advisory Committee on Problems of Employment
60. VANASPATI MANUFACTURERS' ASSOCIATION
  1. Vegetable Oil Products Advisory Committee
61. VIDARBHA MAHAROGI SEVA MANDAL
  1. Leprosy Advisory Committee
62. WORKING JOURNALISTS ASSOCIATION
  1. Press Consultative Committee
63. YOUNG FARMERS' ASSOCIATION
  1. Indian Council of Agricultural Education

By according 'recognition' to these associations the government implicitly accepts the position that they represent the relevant interests of the community, and are the links connecting the government and the functional groups.<sup>5</sup> In fact, a condition precedent to the government's communicating with a certain section of the community is the presence of an association which may act as the spokesman for that section. Many an association is consequently formed out of a realisation that the government can effectively communicate with an association, not with unorganised individuals as such. The disadvantages of this method are, first, that these organisations tend to engage themselves in promoting what are palpably their sectional interests instead of taking enlightened attitudes; secondly, that they might exaggerate their importance out of

<sup>5</sup> *Advisory Committees in British Government*, p. 38.



all proportion and ride roughshod over even the legitimate interests of the comparatively unorganised sections of the population; and, finally, that they might exercise too tight a control over their representatives on the advisory bodies making them virtually their mouth-pieces and stifling their freedom of thinking.

Another method of appointment marks a departure from the above arrangement in that the Minister retains the last word in the matter of nomination, though, to be sure, his choice must be limited to persons belonging to certain specified organisations and associations. This provision ensures scrutiny of the individual qualifications of the candidates while at the same time keeping intact the broad principle of providing representation to outside associations. Thus, on the Hindi Shiksha Samiti<sup>6</sup> advising the Ministry of Education the Minister nominates two representatives of leading Hindi organisations. Similarly, on the Zonal Railway Users' Consultative Committee, the Minister of Railways appoints one member to represent a registered passengers' association functioning in the area covered by the railway. Another example of this method of appointment is furnished by the Telephone Advisory Committees functioning at various stations. A Telephone Advisory Committee includes, among others, the representatives of the medical profession, trade and commerce, the press, etc. The members are nominated by the Government from a panel of names obtained from the organisation concerned.

There is also the practice of having *ex-officio* members on many advisory committees. Almost as a rule, this element finds place on the expert committees, though it is rare for an advisory committee to have exclusively an *ex-officio* membership. Thus, in the Coal Council of India<sup>7</sup> out of twelve members, excluding the Chairman (who is the Minister of Mines and Fuel), the following seven are the *ex-officio* members:

1. Director General, Council of Scientific and Industrial Research;
2. Member (Transportation), Railway Board;
3. Secretary, Department of Iron & Steel (Ministry of Steel & Heavy Industries);
4. Secretary, Ministry of Mines and Fuel;

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<sup>6</sup> Resolution No. F. 2-36/54-H4, dated 13 October 1954, Ministry of Education.

<sup>7</sup> Resolution No. 25-C1(12)/56, dated 28 August 1956, Ministry of Production.

5. Secretary, Ministry of Irrigation & Power;
  6. Coal Controller; and
  7. Managing Director, National Coal Development Corporation Ltd.
- Another, and even more striking instance, is the Defence Research and Development Advisory Committee in which, out of fifteen members, nine are *ex-officio*:<sup>8</sup>
1. Chief of the General Staff;
  2. Deputy Chief of Naval Staff;
  3. Deputy Chief of Air Staff;
  4. Additional Financial Adviser, Ministry of Finance (Defence);
  5. Controller-General of Defence Production;
  6. Chief Controller (Research & Development);
  7. Chief Scientist;
  8. Director of Technical Development and Production (Air); and
  9. Scientific Adviser to the Minister of Defence (He is the Chairman).

The practice of having *ex-officio* members facilitates coordination, eliminates unnecessary cross-references, and provides access to the views of those who can reasonably claim to speak from first-hand knowledge and experience. The defect, however, lies in an over-dose of this element or too frequent recourse to this practice. Indiscriminate use of this element would only distract the administrator's attention and waste his time. Besides, a large *ex-officio* membership may result in keeping persons, who ought to find place on the advisory committee, out of it because it already appears to be very large.

Nomination to the informal consultative committees consisting of Members of Parliament marks a significant deviation from either of these practices. Membership of these committees is open to Members of Parliament on the basis of preferences indicated by them. There is no objection to a Member's being on more than one committee but not more than two. As already stated, this practice is not widespread, for it is confined to the informal consultative committees alone. In the composition of this class of advisory committees the Minister has apparently no power or say, whatsoever, though it may be recalled that in the first letter to the ministers of the different ministries initiating the formation of these bodies the Minister for Parliamentary

<sup>8</sup> Question 358, *Lok Sabha Debates*, Second Series, Vol. XXII, No. 6, 24 November 1958, col. 1217-18.

Affairs solicited some names "should there be any particular members whom you would like to be placed in the group associated with your ministry's activity".<sup>9</sup> Further, it may be pointed out that the present practice of throwing open the membership to all replaced the earlier one of inviting names from the leaders of the different parties. Now, the party bosses do not have any say in matters of nomination, and, in consequence, do not at all figure in the picture.

In a majority of the advisory committees the minister is not hedged in by any such limitations and enjoys apparently complete freedom in matters of appointment. This method has certainly much to commend itself. As the government has untrammelled freedom of action in the matter of composition, it can strike a working balance between the different points of view and get together persons of differing and different talents, qualifications, etc. This method is, thus, characterised by a certain flexibility. Moreover, it permits of frequent modification and adjustment in composition in the light of experience and, also, of changing situations.

These several methods are not mutually exclusive. In practice, they may be—and, in fact, are—combined in varying degrees while composing an advisory committee. The adoption of different methods and practices is necessitated by individual requirements and expectations. There is, thus, no special sanctity attached to any one method. No particular method can be indiscriminately recommended for adoption. The composition of the Central Advisory Board on Forest Utilisation bears this out as it reveals the too common practice of simultaneously employing different methods of appointment.

#### CHAIRMAN

1. Minister of Food & Agriculture

#### MEMBERS

2. Secretary, Ministry of Food & Agriculture
3. Director-General of Scientific and Industrial Research
4. Inspector-General of Forests
5. President, Forest Research Institute and Colleges, Dehradun.

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<sup>9</sup> D. O. No. 48(L)54/, dated 29 July 1954.

- 6-12. One representative each of:
- Ministry of Commerce & Industry
  - Ministry of Defence
  - Ministry of Railways
  - Indian Council of Agricultural Research
  - Inter-University Board
  - Associated Chambers of Commerce & Industry
  - Federation of Indian Chambers of Commerce & Industry
- 13-14. One representative each of plywood industry and of other forest product industries to be nominated by the Central Government
- 15-16. Two heads of State Forest Departments to be nominated by the Central Government in alphabetical order
17. Nominee(s) of the Central Government to represent interests not otherwise provided for.

#### SECRETARY

An officer of the Ministry of Food and Agriculture.

Not all advisory committees, to be sure, adopt in their composition all the practices as the above-mentioned body seeks to illustrate. Nevertheless, they do reveal an essentially pragmatic approach to the problem of composition which, in effect, is solved by the adoption of different methods according to individual needs and expectations. Not only this. The pattern of composition, *i.e.*, the juxtaposition of the various methods, might undergo alteration in the light of experience or by the operation of the emergent forces. The history of the Import and Export Advisory Councils seems to support this view. The composition of the Import Advisory Council, set up in September 1948, underwent a change in 1952, the aim being to provide for a larger representation for the relatively small merchants and providing more seats for people who belong to the States which have not so far had a very large share in the country's import trade.<sup>10</sup> It is understood that the previous practice of giving separate representation to particular Chambers of Commerce was not found to be very satisfactory, because it led to an over representation of certain types of interests, while others were

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<sup>10</sup> Vide the Chairman's opening speech. *Proceedings of the Import Advisory Council*, 3 December 1952, Ministry of Commerce & Industry, p. 1.

inadequately represented on the Council. Since practically all Chambers are affiliated either to the Federation of Indian Chambers of Commerce & Industry or the Associated Chambers of Commerce which have been given seats on the Council, the remaining seats could be filled by the Government not on the recommendation of a few selected Chambers but on wider considerations. The reconstitution, therefore, provides for a more balanced regional distribution of seats on the Council and a better representation of smaller merchants who are most affected by the working of import control. An identical change, and on identical ground, was effected in the composition of the Export Advisory Council also. Similarly, the composition of the Hindi Shiksha Samiti has been modified in course of time. The original provision<sup>11</sup> of two representatives of leading Hindi organisations designated by the Government of India and one representative each of the Governments of two Hindi-speaking States to hold office in rotation has been modified<sup>12</sup> to raise the number of representatives of the leading Hindi organisations to four and to provide representation to all the constituent States of India as well as to the Union territories of Delhi, Himachal Pradesh, Manipur and Tripura.

The prevalence of a variety of practices in the matter of composition obviously calls for an explanation. At the back of this diversity lies, perhaps, the following factors:

1. The system of advisory committees displays an essentially practical approach. An advisory committee is tentative in nature. It is on probation, so to say, and this, naturally, gives rise to a multiplicity of practices.
2. The variety of functions assigned to the committee and various objectives set before it inevitably foster the growth of plurality of practices.
3. Advisory committees have largely grown up in isolation from one another. This, too, has added to the diversity of practices and patterns.
4. Lack of proper attention and care on the part of bureaucrats, too, partly accounts for the multiplicity of methods. It seems that they are too much accommodating when constituting—and reconstituting—an advisory committee, which they may

<sup>11</sup> Resolution No. F.2-36/54-H.4, dated 13 October 1954, Ministry of Education.

<sup>12</sup> Resolution No. F.1-4/59-H.1, dated 16 October 1959.

often regard as innocuous on the whole and, at best, a technique of public relations for the government.

Thus, the composition of an advisory committee seldom reflects a doctrinaire approach or a dogmatic adherence to any one method. It, on the other hand, exhibits a more complex pattern, the product of the adoption of multiple methods. The Minister's freedom of action, consequently, varies from committee to committee, though, under no circumstances, can it be absolute or near absolute, for regional balance may have to be taken into account in appointing members. At any rate, his freedom of action is the least, when the composition of an advisory committee is statutorily fixed. The statutory fixation of personnel is calculated to enhance the members' independence, as they have not to look to the Minister for their appointment or re-appointment. Nevertheless, it puts the committee in a strait-jacket, making modification or alteration in composition impossible without the formal amendment of the Act itself. The statutory determination of composition is, to be sure, rare, though by no means unknown. Thus, the personnel of the Drugs Technical Advisory Board have been for once and all determined by the Act itself. The Act<sup>13</sup> prescribes the composition of the Board as follows:

1. Director-General, Indian Medical Service, who shall be Chairman;
2. Director of the Central Drugs Laboratory;
3. Director of the Central Research Institute;
4. Director of Veterinary Research Institute, Muktesar;
5. Chief Chemist, Central Revenues;
6. Two persons holding the appointment of government analyst under the Act to be nominated by the Central Government;
7. One pharmacologist and one pharmaceutical chemist to be elected by the Scientific Advisory Board of the Indian Research Fund Association;
8. Three persons to be elected by the Medical Council of India, two of whom shall be from among teachers of medicine or therapeutics;
9. One member of the pharmaceutical profession to be nominated by the Central Government;

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<sup>13</sup> Chapter II of the *Drugs Act*, 1940.

10. Two persons to be elected by the Council of the Indian Chemical Society; and
11. One person to be elected by the Central Council of the Indian Medical Association.

Most of the statutes, however, dispense with such details and restrict themselves to a bare mention of the advisory committee. The Capital Issues (Central) Act, 1947, setting up the Capital Issues Advisory Committee, is an instance in point. It says:

“The Central Government shall by notification in the official gazette constitute an Advisory Committee of not more than five members and may from time to time refer to it for advice any such matters arising out of the administration of this Act as the Central Government may think fit.”<sup>14</sup>

Absence of any broad outlines for guidance in the composition of the committees bespeaks of Parliament's lack of interest in the functioning of the advisory committees. While it is true that the executive's freedom of action should not be too much whittled down, Parliament's omission of even broad guiding principles in the statute cannot but cause considerable concern. If anything, this curtails effective parliamentary control, for, where there are no standards or norms clearly laid down, transgressions, if any, cannot be detected much less checked. This, practically, amounts to abdication, not delegation, of power. In point of fact, a few statutes do lay down broad principles or outlines while leaving unhampered the initiative, discretion and freedom of action of the ministry in the matter of nomination. Thus, the Industries (Development and Regulation) Act, 1951 lays down:

“The Advisory Council shall consist of a chairman and such other members, not exceeding thirty in number, all of whom shall be appointed by the Central Government from among persons who are in its opinion capable of representing the interests of :

- (a) owners of industrial undertakings in scheduled industries;
- (b) persons employed in industrial undertakings in scheduled industries;
- (c) consumers of goods manufactured or produced by scheduled industries; and

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<sup>14</sup> Section 11 of the *Capital Issues (Central) Act, 1947*.

- (d) such other class of persons including primary producers as in the opinion of the Central Government ought to be represented on the Advisory Council.”<sup>15</sup>

#### DIRECT CONTACT

When all has been said, the fact remains that the Minister has freedom in nominating the majority of members in most of the advisory committees. *Ex-officio* membership is chiefly limited (even in determination of the *ex-officio* membership the Minister has apparently the last say) to the expert committees only and even these are not composed exclusively of *ex-officio* members. Further, the recognition of the right of the associations and organisations, *i.e.*, the organised interest groups, to nominate their representatives on the advisory committees is not so common, nor on a large scale, the main reason, apparently, being that nearly all associations are still in a developing state and consequently have not yet acquired a wide clientele so as to give them a representative character and to make their claim for representation on the committees sufficiently strong. Thus it comes about that the Minister is the nominating authority and, in practice, has unfettered freedom in the matter of nomination. Even without causing regional imbalance he can exercise his discretion to the full. In view of a large and steadily expanding network of advisory bodies advising a particular ministry, the Minister has come to add to the already good deal of patronage in his hands. To rationalise this procedure, the Treasury, in Britain, maintains a list of names which the departments may consult. Sir Gilmour Jenkins, of the Ministry of Transport, confirmed this while giving evidence before the Franks Committee: “. . . they (the Treasury) have a comprehensive list of likely people to be used for this and various other kinds of public service”.<sup>16</sup> To the best of the present writer’s knowledge, no such attempt has been made in India. When, therefore, the stage of nomination of members on a particular advisory committee comes, the Minister, apparently, relies upon the bureaucracy (and also upon his friends, party colleagues, etc.) for suggestion of names. Persons who have been insolvent or convicted of criminal offence

<sup>15</sup> Section 5, Chapter II of the *Industries (Development and Regulation) Act, 1951*.

<sup>16</sup> Minutes of Evidence taken before the *Committee on Administrative Tribunals and Enquiries*, London, H.M.S.O., 1956, p. 110.



involving moral turpitude are, as a rule, excluded from consideration. Also, there is generally the practice of first obtaining the individual's consent by direct contact before the formal announcement, though, it may be pointed out, this is not a consistently observed practice.

#### CIVIL SERVANTS

The civil servants are to be found in all the five hundred and odd advisory committees, although their number and the capacity in which they sit vary. In most of the committees they constitute a minority, though their number seldom drops to one. In some, however, there is only one official, *i.e.*, the secretary. The association of civil servants with advisory committees is necessary, as they make available their knowledge, experience and personal assessment of the problem or problems, identify the problem-areas and focus the committee's attention on them, and, finally, so steer the labours of the committee to make discussion pointed, relevant and meaningful. In the words of K. C. Wheare:

"this close association of officials of the departments with the committees set up to advise them is natural and necessary. The committees exist to place at the disposal of the departments the best advice they can offer on the matters which departments refer to them. The officials concerned in these matters must obviously be in close and direct touch with the committees and a great deal of the advice they get can be best obtained by a process of discussion in which officials must take an active part. If officials were not present at the meetings of the committees and entitled to take a full part in the proceedings, the advice which the committees have to give might be general and vague and often irrelevant to the actual issues of administration with which officials are concerned. Officials should know the points upon they need advice, and the best use can be made of a committee if it is enabled to direct its attention to the points upon which officials of a department are concerned to receive guidance."<sup>17</sup>

The civil servants are associated with advisory committees both formally and informally. Formal association implies due recognition of their status under the Resolution, which would clothe them with

<sup>17</sup> Wheare, K. C., *op.cit.*, pp. 49-50.

powers attached to full-fledged membership of the committee. In many committees, particularly those attached to the Ministry of Education, the officials are even appointed chairmen. Almost as a rule, the secretaryship of a committee goes to an official, although the secretary of the Indian Handicrafts Board is a non-official. The Central Council of Gosamvardhan has, surprisingly, two secretaries—official secretary and the non-official secretary, though the precise functional difference between the two is not clear. Leaving this apart, the bureaucrats' formal membership stems from their direct and immediate interest in, or concern with, the task of the committee. This is illustrated by the composition of the Coal Council of India. Its members include:

1. Director-General, Council of Scientific and Industrial Research;
2. Member (Transportation), Railway Board;
3. Secretary, Department of Iron & Steel, Ministry of Steel and Heavy Industries;
4. Secretary, Ministry of Mines and Fuel;
5. Secretary, Ministry of Irrigation and Power;
6. Coal Controller;
7. Managing Director, National Coal Development Corporation Ltd.

Besides, the representatives of the interested or the concerned ministries are also nominated. Thus, one nominee of each of the Ministries of Community Development and Cooperation, and Information & Broadcasting, and of the Planning Commission sits on the Central Committee on Prohibition. Likewise, one representative of each of the Ministry of Finance, and of the Planning Commission is the member of the Advisory Committee on Ayurveda. Similar provision exists in the case of some other committees as well; and a scrutiny reveals that the Ministry of Finance and the Planning Commission are most sought after.

The civil servants sit on advisory committees either as members nominated by the government or as *ex-officio* members. The *ex-officio* members are permanent members, whereas those nominated on an advisory committee cease to be members at the end of their term, unless re-nominated. To put it differently, in the case of nomination, the usual phraseology is: "The tenure of appointment of the members of the Committee, other than those who are appointed by reason of their

office, will be . . . years. . . ” In the case of the *ex-officio* members, the Resolution only mentions the designation, not the name of the holder of the office. In the case of nomination, the apparent practice is to mention the name of the official. Thus, the Resolution, setting up the Central Board of Fisheries, draws a distinction between these two types of officials: for *ex-officio* members, it mentions only the designation, e.g., Joint Secretary (Fisheries), Ministry of Food & Agriculture; for nominated members, the name of the individual concerned is mentioned, e.g., Sri . . . , Ministry of Community Development and Cooperation.

The bureaucratic element is not always confined to the officials of the Central Government. The officials of the State Governments are also required to sit on many committees, primarily those dealing with subjects that under the Constitution come under the State List or are being administered by the states. The motive behind this association is explained under the sub-heading ‘Size’. In some committees (e.g., the National Council for Women’s Education) the States are free to nominate either a civil servant or a citizen and in practice many states appoint civil servants, although others have nominated from amongst the educationists and the politicians. The system of nominating ‘observers’ by the States prevails in the Central Advisory Board on Forest Utilisation, though this is not a widespread practice. In the case of the States’ officials, the nominating authority is generally the State Government itself, though the composition of the Central Advisory Board on Forest Utilisation marks a slight deviation from this practice. On this Board the two heads of State Forest Departments are nominated by the Central Government in alphabetical order.

Many times more numerous is, however, the official element that is informally associated with an advisory committee. The presence of civil servants is solicited because they are actively and directly concerned with the items on the agenda of a particular meeting. They have either to say something on the item or items, or learn something from the non-officials. This informal official element is associated with a committee in pursuance of a provision in the rules of procedure to the effect that the Minister may direct any officer of the Government to attend any meeting of the committee. In practice, too many officials attend the meetings under such a provision and, further, the history of many

an advisory committee reveals an unmistakable trend towards progressive increase in their number in successive meetings. The following table<sup>18</sup> indicating the number of officials attending the meetings of the Advisory Committee for Delhi illustrates this point:

SERIAL NO.	MONTH	NUMBER OF OFFICIALS
1.	December 1956	9
2.	February 1957	7
3.	March 1957	10
4.	May 1957	15
5.	June 1957	11
6.	August 1957	14
7.	January 1958	15
8.	February 1958	23
9.	April 1958	20
10.	August 1958	21
11.	December 1958	35
12.	February 1959	33
13.	July 1959	44
14.	January 1960	31
15.	February 1960	37
16.	July 1960	31
17.	December 1960	31
18.	February 1961	51
19.	March 1961	25
20.	June 1961	40

It is pertinent to add that the above table errs on the side of moderation, for, it does not take account of those of the ranks of Section Officers and below. And, if anything, this fleet is no less numerous at the meetings. Indeed, there is a surfeit of officials practically in all committees—a state of affairs which calls for urgent and drastic steps. Many do not even open their mouths and retire to their desks without, perhaps, adding an iota to the stock of their—or, others' wisdom. The meeting is treated as a gala day enlivened by tea/coffee and cashew nuts. Interesting and instructing in this context is the following comment of the 'Observer' in *The Statesman*:<sup>19</sup>

“Telephone anybody who is somebody in New Delhi and the chances are you will be told he is at a Conference. This is true of top people both in Government and business. The chances are that the Secretary is not trying to put you off: surprisingly often, it is the simple truth....

<sup>18</sup> These figures have been collected from the Ministry of Home Affairs.

<sup>19</sup> *The Statesman*, dated 9 January 1961, p. 3.

A confidential study of the work pattern of the country's 20 busiest officials revealed that 40 per cent of their working time was spent in Conferences and meetings, by no means all either essential or productive of results commensurate with the time consumed. An even more distressing conclusion was that technical officers such as Chief Engineers were spending most of their time in meetings and other administrative chores; hardly any in inspecting the progress of works under their charge. . . .

A story going the rounds of the Central Secretariat and satellite 'bhawans' relates to a conference, a very important one where the Cabinet Secretary, Vishnu Sahay, found it necessary to order out at least half a dozen officials whose presence was not required but who had come along for the ride."

#### COOPTION

By cooption is meant election to a body by votes of existing members. The provision for cooption makes for a measure of flexibility in the matter of the composition of an advisory committee. It enables a committee to secure the services of persons with pretensions to special knowledge. As cooption is made in the immediate context of the work in which the committee is engaged, the persons, coopted, will possess qualifications and experience which are precisely needed for the more efficient execution of the work in hand. The provision for cooption exists in a few advisory committees, engaged, particularly, in work of a specialised nature. The Philatelic Advisory Committee, the Scientific Food Advisory Panel, and the Children's Literature Committee, are among the advisory committees possessing powers to coopt. The resolution, creating the Philatelic Advisory Committee, observes: "The Chairman will have the discretion to make changes in personnel (other than Members of Parliament), as and when necessary, and he will also have powers to coopt."<sup>20</sup> The Scientific Food Advisory Panel is, also, "free to coopt any other technical expert or experts as and when necessary".<sup>21</sup> Similarly, the Children's Literature Committee "is empowered to coopt members as and when required for the

<sup>20</sup> *Resolution No. 2-4/61-H*, dated 31 July 1962, Ministry of Transport & Communications.

<sup>21</sup> *Resolution No. F. CTA-271/58*, dated 15 January 1959, Ministry of Food & Agriculture.

regional languages unrepresented on the Committee".<sup>22</sup> The provision for cooption also exists in the case of the following advisory committees:<sup>23</sup>

1. Central Committee on Prohibition;
2. National Welfare Board for Seafarers;
3. Merchant Navy Training Board;
4. Shipping Coordination Committee; and
5. Central Advisory Board of Physical Education & Recreation.

It is more usual for advisory committees to coopt members on their sub-committees. As the sub-committees are normally of an *ad hoc* nature, the provision for cooption does not bring about any essential structural change in the advisory committee itself. Also, the sub-committees are the proper place where the special qualifications and talents of the *coopted* members can be more usefully laid under contribution. The Central Advisory Board of Education may, thus, appoint to its sub-committees "persons who are not members of the Board but who possess special knowledge and experience of the problems"<sup>24</sup>, which the sub-committee is constituted to examine. Similarly, the All India Council for Elementary Education has the "power to appoint committees and appoint not more than two non-members thereon; but the appointment of such non-members on the committees shall require the previous approval of the Chairman".<sup>25</sup> The All India Council of Sports, however, makes a departure from these committees. In the case of this Council, the power to coopt vests with the sub-committee itself, not with the parent body, as is the case with the above-mentioned committees. The Resolution creating this Council says: "(1) The Council shall constitute such standing or *ad hoc* committees as it might deem fit in connection with any of its activities. (2) These committees shall be free to coopt members from among the National Sports Federations/Associations/Organisations and State Sports Councils to assist them in their duties."<sup>26</sup>

It may be here pointed out that the sub-committee should not be exclusively composed of the coopted members, even if it is vested

<sup>22</sup> Resolution No. F.4-1/60-B-3, dated 30 May 1960, Ministry of Education.

<sup>23</sup> This is an illustrative, not a comprehensive, list.

<sup>24</sup> Resolution No. 122-3/35-E, dated 8 August 1935, Department of Education, Health and Lands.

<sup>25</sup> Resolution No. F.37-10/56-B-5, dated 17 June 1957, Ministry of Education.

<sup>26</sup> Resolution No. 11-16/58-PE-2, dated 2 March 1959, Ministry of Education.

with powers of cooption. In order to maintain liaison between a committee and its sub-committee it is imperative that the members should sit along with the *coopted* ones.

A variant of the system of cooption in the practice of inviting certain individuals to an advisory committee as 'observers'. Such observers do not attend the meeting as a matter of right. They rather attend only in response to an invitation, and, unlike the coopted members, do not enjoy any rights and privileges. They, for instance, cannot suggest proposals for discussion by the committee. Nor are they expected to actively participate in the discussion. They mainly watch the proceedings, and speak only when they have to transmit some specific information or seek clarification on some points. This practice of inviting observers is, however, not so common, although in a few cases like the Central Advisory Board on Forest Utilization such an arrangement has been made. The Central Advisory Board on Forest Utilization is empowered to invite any head of a State Forest Department or of a branch of the Forest Research Institute interested in a particular problem, as an observer.

#### TERMS OF REFERENCE

Terms of reference are to a committee what a mariner's compass is to a navigator. Without these, the committee is bound to drift from its main task, lose all sense of direction and purpose, and leave the members to make only vagabond excursions into the realms of the vague. It is the terms of reference that define the task and limit the purview of the committee. In the case of statutory advisory committees the terms of reference are, as a rule, laid down in the statute itself. In the case of non-statutory ones, however, the official resolution creating the committee prescribes the terms of reference. These are sometimes broadly set out in the resolution and supplemented by the rules of procedure under which a committee is to function.

The terms of reference of different advisory committees vary greatly from one another, and do not conform to any set pattern. This is natural enough in view of the varied functions to which the different committees address themselves. In matters of initiative, however, they may be classified into two broad categories. The terms of reference of some committees leave little initiative to them as the Capital Issues Advisory Committee will illustrate. Its functions are thus

described in the Capital Issues (Central) Act, 1947:

“The Central Government shall, by notification in the official Gazette, constitute an Advisory Committee consisting of not more than five members and *may from time to time refer to it for advice any such matters arising out of the administration of this Act as the Central Government may think fit.*”<sup>27</sup> (italics supplied)

Similarly, the Central Advisory Council of Industries is left with virtually no power of initiative. The Act says:<sup>28</sup>

“The Central Government shall consult the Advisory Council in regard to

(a) the making of any rules, other than the first rules to be made under sub-section (3);

and *may consult the Advisory Council in regard to any other matter connected with the administration of this Act in respect of which the Central Government may consider it necessary to obtain the advice of the Advisory Council.*”<sup>29</sup> (italics supplied)

The second category includes those advisory committees whose terms of reference are not so restricted in nature, but leave considerable initiative in their hands. The Coal Council of India is an outstanding example of such ‘self-propelling’ advisory committees. The official resolution, creating it, says;

“The Government have . . . decided to set up a high powered body, to be known as the Coal Council of India, whose main purpose will be to have reviews and studies conducted under its overall supervision and guidance for planning of the development, utilisation and due conservation of the coal resources of the country. The scope of the Committee will include the matters which are set out in the schedule appended, as an *illustrative list which is not intended to be comprehensive. It will be necessary for the Coal Council of India to consider whether and if so what other problems relating to coal should be brought under its review and study.*”<sup>30</sup> (Italics supplied)

The difference between the two categories, thus, seems quite obvious. Generally speaking, the expert committees are allowed greater measure of flexibility and initiative in regulating the nature and volume of work

<sup>27</sup> Section 11 of the Act.

<sup>28</sup> Section 5(4) of the Act.

<sup>29</sup> Section 5(4) of the *Industries (Development & Regulation) Act, 1951.*

<sup>30</sup> *Resolution No. 25 C1(12)/56*, dated 28 August 1956, Ministry of Production.



and, conversely, the statutory advisory committees are usually permitted only a limited area of operation.

Furthermore, the terms of reference of advisory committees may be either specific or general. Wide terms of reference offer, no doubt, a larger field for the operation of a committee but, all the same, these may often distract the members' attention, leading to superficiality, even vagueness, in the deliberations. By attempting to spread its energy and attention too wide, the committee would only be spreading them rather too thin. Restricted and specific terms of reference are, therefore, desirable in the interest of the effective functioning of the committee. The functions of the National Savings Central Advisory Board appear to conform to this criterion. Its terms of reference are:

- “(1) to coordinate the activities of the State Advisory Boards; and
- “(2) to assist and advise the Government of India in spreading the National Savings Movement generally and on measures necessary to intensify the Women's Savings Campaign in particular.”<sup>31</sup>

Similarly, the terms of reference of the National Defence Council are quite specific in nature. Its functions are defined as follows:

- “(a) to take stock of the situation and arrangements for national defence, from time to time, and to advise the Government on matters relating to national defence;
- “(b) to assist in building up and suitably guiding the national will to fight the aggressor;
- “(c) to suggest to the Central Citizens' Committee such measures as may be considered necessary for the utilisation of public participation in national defence; and
- “(d) to advise the Government generally on such other matters as may be helpful in prosecuting the fight against the aggressor.”<sup>32</sup>

On the other hand, the terms of reference of the Central Council of Gosamvardhan are so comprehensively laid down that there is virtually little concerning cattle which the committee is not empowered to do. What is more, the terms of reference include even some purely procedural matters. The resolution creating this committee obliges it:

- “(a) to organise, implement and coordinate activities relating to the preservation and development of cattle, and generally to

<sup>31</sup> Resolution No. F. 8(14)-N S/56, dated 29 October 1956, Ministry of Finance.

<sup>32</sup> *The Hindustan Times*, 7 November 1962, p. 1.

administer the schemes relating thereto for the greater production of milk and increase of draught power;

- “(b) to organise and coordinate State Councils of Gosamvardhan, Federations of Gaushalas and Pinjrapoles on matters relating to the development of cattle wealth and establishment and development of Gaushalas on proper lines.
- “(c) to establish key-village centres for the breeding of cattle on scientific lines and the starting of Gosadans for bovine cattle and to diffuse useful scientific knowledge on animal husbandry throughout India.
- “(d) to sponsor schemes relating to increased production of feeds and fodder, improvement and development of pastures and grazing areas, salvage of dry cattle, rearing of calves, rounding up of wild and stray cattle, running of training centres and other allied subjects.
- “(e) to take steps for the prevention and eradication of infectious and contagious diseases affecting the life and health of bovine cattle and also take adequate steps for preservation of cattle in times of famine and other emergent situations.
- “(f) to review from time to time the progress of schemes relating to preservation and development of cattle in the light of the coordinated programme and policy laid down for the country and to consider such additions and alterations to the programme as may be found necessary in the light of experience gained.
- “(g) to take such steps as may be necessary to implement provisions of the Constitution relating to the organisation of animal husbandry as expressed in Article 48.
- “(h) to collect statistics in respect of the cattle population of the country, number of Gaushalas, Pinjrapoles and other matters referred to above.
- “(i) to carry on propaganda for the promotion of the objectives hereinbefore mentioned.
- “(j) to take such other measures for Gosamvardhan including those mentioned herein as may be considered necessary from time to time.
- “(k) to advise the Central and State Governments concerned on any point referred to it by them.

- “(l) to employ such staff as may be necessary for the proper performance of any or all of these functions.
- “(m) to adopt and undertake any other measures for performing any other duties which may be required by the Government of India to adopt or perform or which the Society (?) may consider necessary or advisable in order to carry out the purposes for which it is constituted.
- “(n) for the purposes of the Society (?) to draw and accept and make and endorse, discount and negotiate Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments.
- “(o) to permit its funds to be held by the Government of India.
- “(p) to purchase, take on lease, accept as a gift or otherwise acquire any land or building or works wherever situated in India which may be necessary or convenient for the Society (?) and to construct or alter and maintain any such building or works.
- “(q) to issue appeals for funds in furtherance of the objects of the Society (?), to receive gifts and undertake the management of an endowment trust funds or donation not in consistent with the objects of the Society (?)
- “(r) to sell, lease, mortgage or exchange and otherwise transfer all or any portion of the properties of the Society (?)
- “(s) to establish and maintain research and reference libraries and reading rooms.
- “(t) to offer prizes and grant scholarships in furtherance of the objects of the Society (?) and to finance to examiners and researchers.
- “(u) to establish a provident fund for the benefit of the employees.
- “(v) to give grants to further the objects of the Society.
- “(w) to do all such other things either alone or in conjunction with others as the Society (?) may consider necessary, incidental or conducive to the preservation and development of the cattle for the greater production of milk and increase of draught power.”<sup>33</sup>

An advisory committee, which necessarily meets for very short periods and at intervals of many months, is hardly equal to performing such infinitely varied functions. This gives a handle to the widely

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<sup>33</sup> Resolution No. 7-16-/59-D1, dated 6/7 December 1960, Ministry of Food & Agriculture.

shared suspicion that the Government is, perhaps, actuated by ulterior motives in loading a committee so heavily. It can at least show to the people at large that these matters are receiving attention of an advisory committee, and in this way the Government cleverly divests itself of any active responsibility in that field.

A larger operational area is potentially assured to an advisory committee by including in its terms of reference a general phrase soliciting its advice on "any other matters", relevant to the objective of the committee. The Central Advisory Board of Physical Education and Recreation has, thus, to do, among others, "all such other acts and things, whether incidental to the aforesaid or not, as may be required in order to further its objects".<sup>34</sup> The terms of reference of the All India Council for Elementary Education are no less omnibus in character, giving the committee an all-embracing function which empowers it "to advise on all such matters as may be deemed to provide proper guidance, leadership and coordination for the improvement and expansion of Elementary Education".<sup>35</sup> The Indian Board for Wild Life is clothed with similarly wide powers to perform such other functions as are germane to the purpose for which the Board has been constituted. The inclusion of such a general phrase in the terms of reference is calculated to relax any rigidity in the scope of its work and ensure a wider area of its operations. In addition to the above-mentioned advisory committees, the following committees also have such an omnibus clause in their terms of reference:

1. Advisory Committee for Andaman & Nicobar Islands;
2. Regional Posts & Telegraphs Advisory Committee;
3. Philatelic Advisory Committee;
4. Committee on Large-sized Mechanized Farm;
5. Central Board of Forestry;
6. National Board for Audio-Visual Education;
7. Hindi Shiksha Samiti; and
8. Ship Ancillary Industries Committee.

It may also be pointed out that the terms of reference of an advisory committee may undergo subsequent modification in the light of its past functioning or in an attempt to further streamline it with a view to making it a better agency for fulfilment of its general objectives. The

<sup>34</sup> Resolution No. F.21-1/56-D3, dated 8 December 1956, Ministry of Education.

<sup>35</sup> Resolution No. F.37-10/56-B.S., dated 17 June 1957, Ministry of Education.

functions of the Central Advisory Council of Industries were, thus, modified in 1953, after an amendment of the Act. Since this amendment the Government has ceased to be under any obligation to consult the Central Advisory Council before taking over an industrial concern. Similarly, the functions of the Hindi Shiksha Samiti were modified and enlarged in 1954.<sup>36</sup>

Finally, the real work of an advisory committee may not be truly reflected in its terms of reference. Extra-mural factors such as the development of inter-personal relations in the committee, the gradual emergence of informal organisation in it, and the inter-play and influence of political forces, are constantly at work, and these may set out a different, or at any rate, a modified behavioural pattern for the committee. This is well revealed by the work of the Planning Commission, which is at variance with its terms of reference, so much so that it is a misnomer to characterise it as an advisory committee. The National Development Council also illustrates this contrariety between its profession and practice. Nevertheless, these two bodies do not represent the general run of advisory committees, as these two are pre-occupied with high matters of State, and their authority is, in the main, derived from the inter-action of political factors. The functioning of the All India Handicrafts Board reveals in no uncertain terms that the Board has travelled beyond its terms of reference and, whatever the genesis of the Board, it is today an executive wing of the Ministry of Commerce and Industry. As the Estimates Committee observes, "The Secretary of the Ministry (of Commerce & Industry) admitted that it is not normal for an advisory Board, to be invested with executive functions and that such an arrangement was open to a number of objections but the system had worked well in practice."<sup>37</sup> The divergence between the real work and the terms of reference so pronounced in these cases, is less marked in most of other advisory committees. Seldom, however, it is reduced to nil. As a matter of deliberate policy also, an advisory committee may function in a way not contemplated in its original terms of reference. The Shipping Co-ordination Committee, attached to the Ministry of Transport and Communications is an instance in point. It was set up in 1958 with

<sup>36</sup> Resolution No. F. 28-16/51-B-1, dated 22 October 1951, Ministry of Education; Resolution No. F.2-36/54-H-4, dated 13 October 1954, Ministry of Education.

<sup>37</sup> Hundred and Sixty-First Report of the Estimates Committee, Second Lok Sabha, p. 2.

the following terms of reference:

1. to act as a clearing house of information in regard to the availability of Government-owned cargo and shipping space in Indian ships with a view to making the most effective use of the available Indian tonnage;
2. to advise on the best and the most economical shipping arrangement possible for the movement of Government-owned cargoes when Indian shipping is not available, *i.e.*, whether non-Indian vessels should be chartered and, if so, whether on time basis or voyage basis;
3. generally to coordinate and advise on all policy matters relating to shipping including the development of Indian shipping.<sup>38</sup>

In 1960 an executive committee and a chartering committee were added as adjuncts to this committee "in order to meet the administrative requirements and to facilitate the functioning of the Committee".<sup>39</sup> It is now more common among the bureaucratic circle to hold that the committee's function is "to settle the policy regarding allocation of Government cargoes to Indian ships and arrange foreign shipping on most economical terms for cargoes which cannot be lifted by Indian ships".<sup>40</sup>

#### SIZE

Size of an advisory committee has an important bearing upon its operating effectiveness. A committee should not be so small as to inhibit the presentation of all the major points of view relevant to the subject. After all, an advisory committee has been set up to elicit and collate the opinions of all the interested parties. If it is an expert committee, the objective, then, is to make available the opinions of the different types of specialists. Thus, there is a certain minimum to which the size of the committee has to conform. This minimum may be higher in the case of the consultative committee because of the apparent need to provide representation to all the interested

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<sup>38</sup> *Resolution No. 33-M. S. (207)/57*, dated 16 January 1958, Ministry of Transport & Communications.

<sup>39</sup> *Resolution No. 55-MC (197)/60*, dated 6 January 1961, Ministry of Transport & Communications.

<sup>40</sup> An extract from an unnumbered official chart, obtained from the Ministry of Transport & Communications, Government of India.

parties with a view to endowing the committee with representative character. Absence of this motive and the desirability of more detailed and pointed discussion leading to a set of unanimous recommendations—possible only in a small committee—call for a lower minimum in case of expert committees. At the same time, the advisory committee should not be so large as to make it look like a public meeting, obstructing free, full, and frank discussion. Rightly did the Prime Minister wonder how could the Central Posts and Telegraphs Advisory Council, consisting of fifty members, give useful advice<sup>41</sup>—and, half smiling, he attributed this large size to a tendency in this country to have larger and larger number of people in all organisations.

A study of the different provisions pertaining to the size of the five hundred and odd advisory committees reveals the following three broad patterns. First, the statute itself prescribes the maximum size. Thus, the membership of the Central Advisory Council of Industries cannot exceed thirty in number.<sup>42</sup> Similarly, the Capital Issues (Central) Act, 1947, has set up the Capital Issues Advisory Committee “consisting of not more than five members”.<sup>43</sup> However, not all statutory committees have their membership determined in this way. Many statutes leave the determination of the size to the department concerned. The number of members of the Development Council “shall be such as may be prescribed”.<sup>44</sup> Secondly, the Resolution under which the advisory committee has been established may determine the size. The Advisory Board for Harijan Welfare and the Advisory Board for Tribal Welfare consist of 30 and 24 members respectively. The Resolution<sup>45</sup> setting up the first-named Board says: “The Board will consist of 30 members including Members of Parliament of whom 20 will be persons belonging to Scheduled Castes.” The last-named body “will consist of twenty-four Members, including fifteen Members of Parliament and all the members of the Board will be nominated every two years by the Minister for Home Affairs who will be the Chairman of the Board”.<sup>46</sup> The size of a

<sup>41</sup> This remark was made by him while inaugurating the Central Posts and Telegraphs Advisory Council on 17 March 1962. Vide *The Hindustan Times*, 18 March 1962, p. 8.

<sup>42</sup> Section 5(2) of the *Industries (Development & Regulation) Act, 1951*.

<sup>43</sup> Section 11 of the *Capital Issues (Central) Act, 1947*.

<sup>44</sup> Section 6(2) of the *Industries (Development & Regulation) Act, 1951*.

<sup>45</sup> *Resolution No. 19/118/55-Pub. 11*, dated 3 September 1956.

<sup>46</sup> *Resolution No. 19/118/55-Pub. 11*, dated 3 September 1956, Ministry of Home Affairs.

majority of advisory committees, is, however, not determined by either of the above-mentioned two provisions. The Resolution does not prescribe any number and just contents itself with the enumeration of the personnel of the body. Such bodies constitute the third pattern. In such cases the usual phraseology is: "The Committee shall consist of the following members...."

The three broad provisions pertaining to the size discussed in the preceding paragraph have their characteristic advantages and disadvantages. The statutory determination of size introduces an element of rigidity and inflexibility, but is, perhaps, to be commended in view of a general tendency to increase the size on the least provocation. As between the second and the third provision, the second one appears to be distinctly better inasmuch as the Resolution, though itself a creature of the department, does, nevertheless, exercise some restraint upon the department in keeping the personnel of a committee within the prescribed number. It is, therefore, suggested that, in the case of non-statutory advisory committees, the Resolution should, in addition to enumerating the personnel, prescribe the size of the committee as well. This is not to suggest that any change in the size is the result of the operation of Parkinson's Law and is, therefore, to be frowned upon. The size of a committee is not determined once for all—it might vary in accordance with the administrative needs. The membership of the National Board for Audio-Visual Education was increased by one to have on it a member from the Ministry of Defence—the audio-visual education being patently important for the defence forces of the land. Similarly, the Standing Fire Advisory Committee was enlarged to provide representation to the hitherto unrepresented States in view of the national importance of fire-fighting and fire-prevention. Every alteration of size, however, is not rational. It is possible that by frequent internal winnowing and sifting, the membership might be provided to the new elements without always enlarging the size. Obsolete members might be removed to make room for those whose membership is considered to be necessary and expedient. The common practice seems to confirm the suspicion that the increase in size is not generally preceded by serious thinking. The structural history of the Indian Handicrafts Board since its inception in 1952 discloses an upward movement of the number on almost every reconstitution. Originally starting with a membership



of twenty-one, it came to have thirty-four members in 1957 and thirty-six in 1960—nearly seventy-five per cent increase in the membership over a period of eight years. This amounts to an increase of about nine per cent per annum—far larger than the percentage of 5.75 which Parkinson has attributed to the “self-perpetuating” bureaucracy.

Size of the advisory committees varies from five (Inspection Team on Post-graduate Education and the Advisory Committee on Economic Policy) to 133 (Indian Council of Agricultural Research). Almost as a rule, the expert committees are smaller in size. In the case of the Indian Council of Agricultural Research, there are the Advisory Board and the Governing Board in which are vested the real powers. The Animal Husbandry Wing of the Board of Agriculture and the Animal Husbandry in India and the Crops and Soils Wing of the same Board have the membership of 113 and 127 respectively. The gradation in size is illustrated by the following table:

1. Advisory Committee on Economic Policy	5
2. Advisory Committee for Andaman & Nicobar Islands	6
3. National Livestock Committee	12
4. All India Council of Sports	15
5. Standing Fire Advisory Committee	17
6. Central Advisory Board for Tribal Welfare	24
7. National Council for Women's Education	26/27
8. Central Advisory Board for Harijan Welfare	30
9. Export Promotion Advisory Council	37
10. National Railway Users' Consultative Council	40
11. Central Committee on Prohibition	44
12. Posts & Telegraphs Central Advisory Council	50
13. All India Small Scale Industries Board	52
14. Central Council of Gosamvardhan	56
15. National Campaign Committee (Ministry of Food & Agriculture)	57
16. Indian Council of Agricultural Education	62
17. Indian Board for Wild Life	74
18. Animal Husbandry Wing of the Board of Agriculture & Animal Husbandry in India	113
19. Crops and Soils Wing of the Board of Agriculture & Animal Husbandry	127
20. Indian Council of Agricultural Research	133

Advisory committees in India have generally a larger membership. The country being vast, there is a natural expectation and demand for regional representation on the committees. This problem does not, perhaps, confront the expert committee but has a peculiar force in the case of consultative committees. Secondly, the federal constitution with two levels of government in simultaneous operation also accounts for the large membership. The representatives of the constituent States are associated with many advisory committees with a view to ensuring all-India acceptance of the policy and devising a coordinated and broadly uniform approach to the problems. In particular, the States are, as a rule, represented on those advisory committees dealing with subjects under List II of the Seventh Schedule to the Constitution. Thus, advisory committees dealing with problems pertaining to liquor<sup>47</sup>, agriculture<sup>48</sup>, education<sup>49</sup>, etc., have a large membership. To cite an example, the Advisory Committee on Prohibition advising the Ministry of Home Affairs provides representation to all the States and the Union Territories and has, consequently, a membership of about forty-four. Thirdly, behind a large membership lies a somewhat easy disposition to regard advisory committees as a tool of public relations of the government, and to distribute membership in the spirit of conferring patronages on as many as practicable.

A large number of advisory committees have too many members and many at least appear to be unwieldy from the practical point of view. This, however, does not imply the desirability of, or necessity for, a uniformly determined ceiling on membership of all the committees regardless of the type and nature of the task in hand. As R. V. Vernon succinctly put it, "No calculus can be presented to determine the appropriate number for the membership of a committee, but there is a general agreement that large numbers do not contribute to effectiveness."<sup>50</sup> The perils of larger numbers are obvious, though what constitutes the optimum size for a particular committee is notional, certainly not susceptible to mathematical computation. K. C. Wheare rightly remarks: "We cannot be precise

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<sup>47</sup> Entry 8 in the State List, Seventh Schedule.

<sup>48</sup> Entry 14 in the State List.

<sup>49</sup> Entry 11 in the State List.

<sup>50</sup> Vernon, R. V. and Mansergh, N. (ed.), *'Advisory Bodies'*, *op.cit.*, p. 441.

about size, and our ideas on size will certainly be affected by the function that the committee is to perform, but we have certain upper limits in our minds beyond which a body may be formally a committee but in practice is a public meeting".<sup>51</sup>

To revert, the States' representation on advisory committees has inflated their size, although this practice appears to be a concomitant of the federal constitution itself. Advisory committees dealing with subjects that are, under the Constitution, the States' concern, have, as one of their objectives, the evolution of a more or less similar pattern of thinking and behaviour in those spheres where, otherwise, there would be no uniformity of practice. These bodies, thus, seek to strengthen the administrative unity of the country. One has, therefore, to reconcile himself to the large numbers. Possibly, one way of reducing size may be by substituting the States' representation by the Zonal Councils' representation. As all the States are already grouped in one Zonal Council or the other, they would continue to get representation — indirectly of course. In addition to pruning the size, this provision may go a long way in building up the prestige of the Zonal Councils by associating the latter with policy-making on a vastly extended scale.

#### SUB-COMMITTEES, STANDING COMMITTEES, ETC.

The question of constituting sub-committees, standing committees, etc., to carry on the task, specific or otherwise, is closely, though not exclusively, related to the problem of size. A sub-committee has not only the advantages of smaller number but also evinces, in its composition and functioning, greater flexibility and informality. Even those who are not members of an advisory committee may be appointed on sub-committees perhaps with a view to making them broad-based. The rules of business of the Central Council of Industries empower the Council to constitute such committees as it thinks fit and assign to them such functions or refer to them such questions as it may consider necessary. Every such committee consists of such number of persons, whether members of the Council or not, as the Council may think fit to appoint thereto. Generally speaking, the larger the size of an advisory committee, the more pressing, apparently, is the need for

<sup>51</sup> Wheare, K.C., *op. cit.*, p. 7.

constituting smaller, subsidiary bodies which may set about enquiring into specific questions, etc., and report their results to the parent body. A bigger body may, at best, discuss and formulate only broad general principles; its size alone precludes it from going into details which precede policy-making and clothe a policy with meaning, sense and content. It may, therefore, come about that in a large-sized advisory committee, the real work is usually done in the more congenial atmosphere of smaller sub-committees, standing committees, etc., and the parent body tends to acquire a diminished importance. Thus, the Central Council of Gosamvardhan having a membership of fifty-six has a number of sub-committees, the meetings of which are held from time to time. Size alone, however, cannot explain all. Many of the problems are quite pointed and demand sustained and comprehensive investigation. This may best be done in a smaller body which winds itself up after the submission of its report. Such problems may confront all the committees regardless of the size and may induce the formation of *ad hoc* sub-committees. The Advisory Committee for Delhi with a modest membership of about twelve has set up a number of sub-committees from time to time, the more important being the following:

1. Sub-committee on cattle-nuisance in Delhi.
2. Sub-committee on "Jhuggies" and "Jhopries" (huts and shanties).
3. Political sufferers relief sub-committee.

Sometimes, the nature of membership of an advisory committee warrants the setting up of sub-committees for effective handling of work. Thus, the Central Council of Health, composed of the Health Ministers of the State Governments and presided over by the Union Health Minister, represents in its composition the lay element. This, body must of necessity, delegate the main work to the sub-committees. Constituted in 1952, it set up till 1955 the following five sub-committees to study and make recommendations for solving complex problems in the field of health:

- (i) Committee to draft a Model Public Health Act;
- (ii) Committee for the control of leprosy, particularly in respect of vagrant and destitute sufferers;
- (iii) Committee to review the conditions of service, emoluments, etc., of the nursing profession;
- (iv) Committee to study the type of training imparted in various

parts of India to students undergoing combined 4½ years course of training in Ayurvedic and Unani Colleges; and

- (v) Committee to study the question of formulating uniform standards in respect of education and regulation of practice of vaidyas, hakims and homoeopaths.

Finally, the technical nature of several aspects of the main theme does not permit their efficient handling by a committee, which, having realised this, sets up sub-committees, each addressing itself to one set of problems. The organisational set-up of the Coal Council of India bears this out. The Council set up, for purposes of having review and study conducted under its overall supervision and guidance for planning the development, utilisation and conservation of coal resources of the country, has constituted the following four standing sub-committees in view of the wide and complex nature of the coal problem:

- (i) Committee on Requirements and Utilisation;
- (ii) Committee on Assessment of Resources;
- (iii) Committee on Production and Preparation; and
- (iv) Committee on Transportation.

A word must be said about the standing committees set up by some of the advisory committees. As against sub-committees, they are set up to offset the disadvantages resulting from the larger size and infrequent meetings, which, again, may be the effect of the former. The Central Board of Forestry, consisting of twenty-six members, and meeting once in a year, and the Indian Board for Wild Life, having a membership of seventy-four, and meeting once in two years, must necessarily set up standing committees to carry out the task. It also appears that the size of a committee seems to be an important factor in determining the frequency of meetings. Obviously, bigger bodies cannot meet too frequently. The standing committee meets more regularly, and, in practice, carries on the business of the committee of which it is an offshoot. However, "it is not common for an advisory board to have a standing committee nor is it common for such a standing committee to be appointed by Government and to exercise powers in excess of those possessed by the parent body".<sup>52</sup>

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<sup>52</sup> *Hundred and Sixty-First Report of the Estimates Committee, Second Lok Sabha, p. 4.*

## TENURE

As to the term of office of advisory committees, a variety of practices prevails. The tenure varies from one to five years, although a majority of advisory committees have either a two-year tenure or a three-year one. The following list indicates the differing terms of some of them:

## ONE-YEAR TERM

1. Indian Council of Agricultural Education;
2. Central Advisory Board for Harijan Welfare (later changed to a two-year term);
3. Central Advisory Board for Tribal Welfare (later changed to a two-year term);
4. Advisory Council for the Laccadive, Minicoy and Amindivi islands; and
5. Central National Savings Advisory Board.

## TWO-YEAR TERM

1. All India Council of Sports;
2. National Board for Audio-Visual Education;
3. All India Council for Elementary Education;
4. National Advisory Council for the Education of the Handicapped;
5. National Council for Women's Education;
6. Development Councils;
7. Central Advisory Council for Industries;
8. National Railway Users' Consultative Council; and
9. Regional Posts & Telegraphs Advisory Committee.

## THREE-YEAR TERM

1. National Council for Rural Higher Education;
2. Commission for Scientific and Technical Terminology;
3. Central Sanskrit Board;
4. Central Advisory Board of Education;
5. Central Advisory Board of Physical Education and Recreation;
6. Hindi Shiksha Samiti;
7. Central Board of Fisheries;
8. Drugs Technical Advisory Board;

9. Philatelic Advisory Committee; and
10. Standing Committee on Improved Agricultural Implements and Tools.

#### FOUR-YEAR TERM

1. Advisory Council of the Delhi Development Authority.

#### FIVE-YEAR TERM

1. Indian Veterinary Council;
2. Central Advisory Board of Forest Utilisation;
3. Indian Pharmacopoeia Committee;
4. Pharmacy Council of India; and
5. All India Institute of Medical Sciences Advisory Committee.

One-year term is too short for an effective functioning of the committee. It takes some time for the members to get acquainted with the work and by the time they become familiar with it their term draws to a close. One-year tenure, is, thus, not conducive to specialisation. At the same time, the five-year tenure is long enough to induce irresponsibility, make the representative character of a committee unreal and even somewhat meaningless, and, finally, foster an obsolete outlook not in tune with the new forces and factors in the outer world. It appears that the two-year term reconciles the claims of specialisation with the representative character of the advisory committee. It also makes possible the access of new blood more in harmony with the new urges.

A large number of advisory committees do not have any fixed term of office. The members of them apparently hold office during the pleasure of the Government. Thus, the All India Council for Secondary Education, the Central Advisory Board on Social Welfare (both attached to the Ministry of Education), the Committee on Agricultural Universities (Ministry of Food & Agriculture), etc., are among committees having no fixed term of office. Fixity of tenure necessarily offers inducement to the members to maintain independent attitude in the committee's deliberations. Conversely, absence of it fosters a subservient outlook, encourages timidity, and may only serve to deprive the government of the opportunity which a consultative committee furnishes to have an insight into the genuine feelings, fears and aspirations of the affected interests. In expert committees,

however, this absence may not be as harmful as in a consultative committee.

Still another class consists of those advisory committees which, so to say, have a permanent tenure, the term of the individual members depending upon some external factors such as membership of Parliament, holding of such offices as entail membership of a particular committee. The Territorial Committees, the Zonal Councils, and the Informal Consultative Committees of the Members of Parliament may be cited as examples of the class of committees. These committees have been discussed elsewhere in the present work, but, to clarify the nature of membership the composition of one committee is outlined here. The Advisory Committee for Delhi consists of:

1. All Members of Parliament representing Delhi;
2. Chief Commissioner of Delhi;
3. Vice-Chancellor of the University of Delhi;
4. Mayor of the Delhi Municipal Corporation; and
5. Senior Vice-President of the New Delhi Municipal Committee.

In such committees, the tenure of the individual members is, thus, independently regulated—the ministry having no say in the matter.

It may here be proper to add that advisory committees should, as a rule, have a fixed tenure, and, further, this tenure should not undergo frequent alterations. Even the Estimates Committee took care to lay stress on this point in its Report on the All India Handicrafts Board. It remarked: "The tenure of non-official members of the Board has varied from time to time. It is rather surprising to note that at the initial Constitution of the Board in 1952 and re-constitution in 1954 no tenure was fixed. In 1957 the tenure was prescribed at three years. In 1960 it was changed to two years. The Secretary of the Ministry agreed that a definite tenure was desirable. The (Estimates) Committee would recommend that a suitable tenure for the membership of the Board may be fixed which would also enable the introduction of fresh blood from time to time".<sup>53</sup>

#### RE-NOMINATION

Closely related to the term of office is the question of re-nomination of members. The dangers of one-year tenure may, in practice,

<sup>53</sup> *Hundred and Sixty-First Report of the Estimates Committee, Second Lok Sabha, p. 3.*



be kept in check by renominating members, or bulk of them, for another term, thus encouraging specialisation and stimulating keener interest in the work of the committee. Further, renomination makes for continuity of practice, enables the new members to get assistance and guidance from the seasoned 'committee men', and permits utilisation of the knowledge and experience of those whose services the ministry cannot easily afford to dispense with. On the contrary, injudicious use of the system of renomination has its inherent dangers. It undermines independence of the members by constantly holding out the temptation of 'another' term. By 'repeating' the same persons over and over again the administrative experience remains less widely diffused in the society; the secondary leadership of the community remains narrowly restricted in number, nature and scope; and, what is worse, the members come to have an easy temptation to develop vested interests round the membership of the committee.

All committees provide for the renomination of members, and, in practice, indiscriminate use seems to have been made of such a provision. A scrutiny of the members of the All India Handicrafts Board since its inception in 1952 amply bears this out. Since 1952 the Board has been (till 1961) reconstituted four times, the last occasion being in 1960. Out of 15 members (others are either nominated by the State Governments or are *ex-officio* members) six have been lingering on since 1952; at least eight have continued for three terms, and one member served from 1952 to 1958, though the membership might have entailed her undertaking journeys from the United States to attend the meetings. Some other committees, too, have the same tale to tell. It appears that the members are constantly renominated on personal reasons, not on functional grounds.

#### FREQUENCY OF MEETINGS

From the point of view of frequency of meeting, advisory committees easily fall into two broad patterns. The frequency at which the committees meet is specified either in the Resolution or in the rules of procedure. The advantage claimed for such a provision is that of certainty. It is known in advance when a committee will normally meet. The frequency of meetings, however, is not the same for all committees. It varies, surprisingly, from one meeting in a

month to one meeting in five years. Below is appended a sample list of advisory committees with varying frequency of meetings:

ONE MEETING IN A MONTH

1. Board of Trade (Department of International Trade)

SIX MEETINGS IN ONE YEAR

1. Advisory Committee for Delhi.

FOUR MEETINGS IN ONE YEAR

1. All India Council of Sports;
2. Advisory Committee for Himachal Pradesh;
3. Advisory Committee for Tripura; and
4. Advisory Committee for Manipur.

THREE MEETINGS IN ONE YEAR

1. Posts and Telegraphs Advisory Committee; and
2. Standing Committee on Improved Agricultural Implements and Tools.

TWO MEETINGS IN ONE YEAR

1. Central Advisory Board for Harijan Welfare;
2. Central Advisory Board for Tribal Welfare;
3. Hindi Shiksha Samiti;
4. National Development Council;
5. Advisory Committee in respect of the Union Territory of Andaman & Nicobar Islands; and
6. Central Council of Gosamvardhan.

ONE MEETING IN ONE YEAR

1. Central Advisory Board of Education;
2. Advisory Board on Social Welfare;
3. National Council for Women's Education;
4. Central Board of Fisheries;
5. Central Board of Forestry;
6. Drugs Technical Advisory Board;
7. Indian Council of Agricultural Education;
8. All India Council for Elementary Education; and

## 9. Mineral Advisory Board.

### ONE MEETING IN TWO YEARS

1. Indian Board for Wild Life;
2. Animal Husbandry Wing of the Board of Agriculture and Animal Husbandry in India; and
3. Crops and Soils Wing of the Board of Agriculture and Animal Husbandry in India.

### ONE MEETING IN FIVE YEARS

1. Central Advisory Board on Forest Utilisation.

It has rightly been pointed out that "the value of a consultative committee can usually be reckoned up to a point by the frequency of its meetings".<sup>54</sup> The above way of regulating the frequency of meetings, however, has its own characteristic weakness, particularly when the frequency is high enough as in the case of the Board of Trade which meets once in a month. The committee has to meet at the stipulated period regardless of the quantum of work. The meagre agenda which many a committee is convened to dispose of leads to avoidable wastage of time and public money. At the same time, the committees, which meet but annually or biennially, are apt to be ineffective. Appropriately, therefore, the infrequent meetings of the National Board of Audio-Visual Education dismayed the Estimates Committee which observed: "The Committee are sorry to note that since its setting up in 1953, the Board has met only twice, once in 1953 and second time in May, 1955. *It seems that most of such bodies function not by themselves but through the officials of the Ministry.* The Committee feel that unless the Board meets more frequently, the object for which the Board was established is likely to be defeated".<sup>55</sup> It has been noted that mostly large-sized committees meet at longer intervals. On administrative grounds alone, a larger body may not meet quickly and frequently. Many of them have, therefore, set up standing committees, which meet more frequently to transact the business of the parent body. The relationship between the two—standing committee and the parent body—is analogous to that between the board of directors of a company and its shareholders.

<sup>54</sup> *Advisory Committees in British Government, op. cit.*, p. 99.

<sup>55</sup> *Fourteenth Report of the Estimates Committee*, Second Lok Sabha, p. 14, para 50.

In the nature of things, the standing committees, which meet more frequently, emerge as the repository of real power, relegating the larger and, apparently, superior body.

It may also be stressed that in practice some of the committees fail to comply with the stipulation regarding frequency of meetings. The Advisory Committee for Delhi, which, according to rule, should meet at least once in every two months, has been a defaulter many times. On occasions five or even six months have intervened between two successive meetings. Similarly, the Standing Committee on Improved Agricultural Implements and Tools, which, according to rules, should meet thrice a year, held only one meeting in 1961. Such lapses have occurred in the case of other advisory committees as well.

A large number of committees meet as and when necessary. Thus, the frequency of meetings is not determined in advance, and such advisory committees constitute the second pattern. The Hindi Shiksha Samiti, the Central Sanskrit Board, the National Board for Audio-Visual Education, the Advisory Board on Social Welfare, the National Cooperating Committee for Arid Zone Research, the Development Councils, the All India Handicrafts Board, etc., are some of them. A disadvantage of such an arrangement is that the committee may be treated as a 'stand by' as there is hardly any compulsion on the executive to arrange meetings at fixed intervals.

The Government fixes the date and time of the meeting and, thus, retains the initiative in its hands. The rules of business of some of the committees, however, empower the members to take the lead in convening a meeting. Under the rules of business of the Central Advisory Council of Industries the members may ask for a meeting. According to the provisions not less than nine members of the Council may by requisition in writing signed by them require the Central Government to call a meeting of the Council at any time, and on receipt of such a requisition the Central Government shall call such a meeting at an early date. Similarly, the Development Councils and the All India Council of Sports may take the initiative in having a meeting convened.

Also, a few committees—their number is severely limited—may not meet at all. Their advice is tendered by circulation of the documents among the members, inviting their comments and collating them. In fact,

such an advisory committee is no more than a bunch of individuals who may not meet together and who are open for consultation by the department as and when necessary. Notable among such committees are the Advisory Committee on Homoeopathy and the Advisory Committee on Ayurveda. The former may meet or give advice by circulation of the schemes amongst its members as and when it is considered necessary to scrutinise the schemes for research in homoeopathy. Similar provision also exists in the case of the latter. The Development Councils, too, have an arrangement for seeking postal advice. Thus, any proposal which a Development Council is required to consider may be referred to all its members either at its meetings or by circulation among all its members and any proposals so circulated and approved by a majority of members by signing it shall be as effectual and binding as if such had been passed at a meeting of the Council, provided that at least one-third of the total number of members of a Council but not less than three members have recorded their views on the proposal.

#### PLURALITY OF MEMBERSHIP

Commenting on 'The Growth of Government', *The New Statesman* observed that there emerges a picture of

"a comparatively small middle class community of over-worked officials drawing advice and guidance from a comparatively narrow circle of experts and special interests ... Who ... are the individuals who sit on the 700 or so committees advising the Central Government, whose existence Lord Attlee confirmed in 1949? Round how many separate ministerial conference tables are to be found the same convex waist-coats and bloodshot eyes?"<sup>56</sup>

At the back of this query has been a common belief that some individuals sit on a large number of advisory committees and flit happily from one meeting to another. Such members, without adequate preparation, or even interest in the work either, come to treat the committees as hobby horses.

No detailed analysis of the problem of 'pluralism' in the advisory committees is offered in these pages. In the first place, a list, or lists, of members of all the five hundred and odd committees

<sup>56</sup> *The New Statesman* (London), 21 December 1957, p. 842.

criss-crossing the machinery of central public administration was not available. Secondly, the task of checking each of the several thousand names against every other name is enormously time-consuming. Though interesting and instructive, this, consequently, has been deferred to be undertaken by another researcher in future. What is attempted to offer here is some stray cases of the pluralists selected at random and studied. The extent and nature of plurality in membership of the advisory committees may be ascertained from the study of such stray cases.

It appears that some of the individuals sit on a preposterously large number of advisory committees. This is borne out by the following instances:

1. One individual is a member of eleven advisory committees simultaneously.
2. Three individuals are members of nine advisory committees simultaneously.
3. The simultaneous membership of three or four advisory committees is shared by a large number of individuals.

Without a comprehensive study, the precise extent and range of plurality of membership cannot be correctly assessed. Nevertheless, it is reasonably safe to believe that it is in existence and, what is more, is even on the increase with the phenomenal growth of advisory committees. Among the causes of plurality, the following may be cited as the more important:

1. Advisory committees exist in isolation from one another. They do not constitute a system. In the matter of recruitment, therefore, there is absence of any coordinated action. A ministry, while appointing an individual on a committee, does not seek information on his membership of other committees. Indeed, the membership of other committees is not at all construed as a bar to his appointment on another one.
2. The 'recognised' associations and organisations usually nominate the same individuals on many committees. "This is a matter of organisation policy; for reasons of internal coordination and convenience they wish to concentrate the work in a particular direction in a few hands. They appoint the same one or two persons to related committees, thus removing the need for coordinating arrangements between different representatives and lessening the risk of taking different attitudes in

different places".<sup>57</sup> It has also been noticed that some of the 'recognised' associations are, in effect, dominated by a single individual who monopolises the membership of most or all of the committees where the associations' representation is guaranteed.

3. In view of the general dearth of persons having competence, ability and willingness to render voluntary service, the 'available' persons are repeated over and over again. This aspect has been, however, unduly magnified in practice.
4. Some individuals are unflinchingly Minister-gazers, ingratiating themselves with men in authority and power and cultivating their familiarity for seeking membership of a large number of committees which are, then, so many feathers to their cap.

The advantages of plurality are: first, that each committee is enabled to secure the services of experienced committee members whose presence enhances its internal effectiveness; and, secondly, that such a practice facilitates coordination of activities. The perils of plurality are, nevertheless, perennially present. "It is notorious" writes the PEP report:

"that some individuals serve on too many committees, including advisory committees. A person who may add prestige and foster harmony on a committee may not in fact give it the attention or original thought that a less practised figure might give. Experience is not the only worthwhile committee quality and playing safe may lead to mediocrity. If an organisation tries to concentrate outside committee work in the hands of one person, then this person becomes merely the retailer of his colleagues' opinions. First-hand experience is usually more valuable to a committee than polished presentation. Moreover, there is a good deal to be said for avoiding even the appearance of a restricted group of appointees and this applies to the nominees of organisations as well as to those privately recruited. It is important that advisory committees should command both general confidence and the particular confidence of the interests concerned and one way to do this is to spread participation as far as possible. All in all, it cannot be said that plurality is rampant or a scandal or anything of that sort. But it could be less; and probably it should be less without damage to smooth and effective

<sup>57</sup> *Advisory Committees in British Government*, p. 56.

work by advisory committees. If some method could be devised within departments and between departments to limit duplication to those cases with some reasonable purpose, then confidence would be increased and the work of committees perhaps improved. At all events any tendency towards isolation and exclusiveness of advisory committees would be discouraged; and this is much more important than the actual plurality of service by a few individuals.”<sup>58</sup>

#### MEMBERS OF PARLIAMENT

About 2,000 Members of Parliament (*i.e.*, Members belonging to both Houses of Parliament) sit on nearly 200 advisory committees including, of course, the twenty-seven Informal Consultative Committees which are composed exclusively of them ! The Members of Parliament do not exceed 750 out of which about 700 are back-benchers, the remaining number gracing the ministerial benches. One may, therefore, have a broad idea about the plurality of membership from the above figures. These figures also give an average of about four Members of Parliament per advisory committee—a number which, by no means, indicates insignificant representation. The set-up and constitution of different advisory committees differ from one another, and, similarly, the representation of Members of Parliament on these committees also does not follow any uniform pattern. There are committees on which Members of Parliament are represented by election. There are others where they are nominated by the Government not by virtue of their being Members of Parliament but because of their functioning in other capacities. Their names are sponsored by certain organisations like the Indian National Trade Union Congress or the State Governments. Members are also sometimes nominated on committees by the Speaker (Lok Sabha) and/or the Chairman (Rajya Sabha) in accordance with the terms of the constitution of the committee concerned. Consultative committees of formal or informal character are also constituted from time to time and members nominated on them on an *ad hoc* basis after taking into consideration a number of factors relevant to each case. There are still others on which their representation is by nomination made by the

<sup>58</sup> Advisory Committees in British Government, pp. 57-58.



ministry concerned. A convention, however, has grown, of late making the Minister for Parliamentary Affairs the real appointing authority. The Department of Parliamentary Affairs insists that the prior approval of the Minister for Parliamentary Affairs be taken, while appointing Members of Parliament on committees, by the ministries. The object of this insistence is to ensure that the representation of Members of Parliament on committees is as evenly and widely distributed as possible and that Members are placed on various bodies with due regard to their membership of other bodies, their qualifications, background, experience and aptitude. The Minister for Parliamentary Affairs is better posted with relevant information about a Member and, therefore, is in a better position to determine whether the Member would be suitable and available for an assignment in the light not only of his background but also his public commitments and engagements and other factors. When a ministry proposes to appoint Members of Parliament on a committee, it forwards details of the proposal giving particulars about the functions of the committee, the period for which the committee is required to serve, the likely duration, the likely number of sittings, etc. If the ministry has any name in view, the same is suggested for consideration by the Minister for Parliamentary Affairs, but care is taken not to consult or obtain prior consent of the Members to serve on the proposed committee. The Ministry may suggest a panel of names out of which the Minister for Parliamentary Affairs may make the final selection after considering the relevant factors. After the receipt of a proposal the Minister himself writes to the Member, or ascertains from him his willingness to serve on the committee, and gives his approval accordingly and at the same time conveys the consent of the Members of Parliament to take up the assignment. Apparently, one of the factors taken into consideration at the time of approving a name is that no single Member comes to have a concentration of assignments at a given time.

The Parliament (Prevention of Disqualifications) Act, 1959, it may be noted, does not place any bar to the Members of Parliament being appointed on advisory committees. The Act<sup>59</sup> says:

“It is hereby declared that none of the following offices, insofar as it is an office of profit under the Government of India or the

<sup>59</sup> Section 3 of the *Parliament (Prevention of Disqualification) Act, 1959.*

Government of any State, shall disqualify the holder thereof for being chosen as, or for being, a Member of Parliament, namely:

- (h) the office of chairman or member of a committee (whether consisting of one or more members) set up temporarily for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an inquiry into or collecting statistics in respect of any such matter if the holder of such office is not entitled to any remuneration other than compensatory allowance.”

Thus, membership of advisory committees does not impose any disqualification upon the Members of Parliament, who may also become the members of the following committees without incurring any disqualification:

1. Company Law Advisory Commission (the office of the Chairman shall, however, disqualify).
2. Advisory Committee for the Air India International Corporation under Section 41 of the Air Corporations Act, 1953 (the office of the Chairman or Secretary shall disqualify the Members of Parliament).
3. The various Development Councils (the office of Chairman or Secretary shall disqualify).
4. Advisory Committee for the Indian Airlines Corporation appointed under Section 41 of the Air Corporations Act, 1953 (the office of Chairman or Secretary shall disqualify).

The exemption from disqualification conferred upon advisory committees did not wholly escape criticism in the Lok Sabha. A Member, for instance, ventured to remark: “The manner in which advisory committees have been exempted from disqualification in a general way without looking into their functions will certainly take away the entire merit of the Bill. There are a number of advisory committees whose functions are of an executive nature and which involve powers of patronage”.<sup>60</sup> This criticism is not entirely pointless, for under the cloak of the advisory body an executive agency might, in fact, exist and even perpetuate itself. There is already the example of the All India Handicrafts Board which is apparently advisory

<sup>60</sup> L. Achaw Singh's Speech, *Lok Sabha Debates*, Vol. XXII, No. 6, 24 November 1958, col. 1287.

under the law, but has now emerged as an executive body and yet the Member of Parliament sitting on it since its inception continues to enjoy immunity under the Act. Evidently, labels are sometimes deceptive and misleading. While membership of advisory committees should not be a source of disqualification, care should, at the same time, be taken to see that they do not in practice substitute the advisory role by an executive one.

The association of the Members of Parliament with a large number of advisory bodies is a desirable practice, and is capable of development. This benefits the Members of Parliament, the Parliament and the committee. Participation in the committee work enriches the Members' knowledge, gives them an insight into the administrative processes and practices, and is conducive to better and fuller understanding both of the problems and the machinery of public administration. Herbert Morrison has rightly emphasized: "It is wise in the appointment of all committees to consider the inclusion of Members of Parliament for this gives them valuable experience and ensures well-informed contributions to parliamentary debate".<sup>61</sup> Parliament, too, profits from such an association. It is common knowledge that parliamentary control over executive is weak, intermittent and ineffective everywhere. India is no exception. On the contrary, the colonial background of Indian administration, the wide gulf between administration and the people, the unfortunate prevalence of widespread illiteracy in the country, which inevitably projects itself occasionally into our legislative chambers put further limitations on legislative control. There is, therefore, an apparent need for facilities to the Members to equip themselves with accurate and up-to-date information on aspects and issues coming up before Parliament. This will surely make Parliament a more virile body. Membership of advisory committees, by providing specialisation in particular aspects of public administration, is calculated to enrich and invigorate the parliamentary debates. Lastly, the advisory committee, too, gains in effectiveness and prestige by its association with the Members of Parliament. "The advantage to the committees of having Members of Parliament as such is that they are brought into touch with the political world on which their advice may have some impact. A Committee may get a

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<sup>61</sup> Morrison, Herbert, *Government and Parliament*, London, Oxford University Press, 1954, p. 275.

foretaste, for example, of what the process of legislation on its subject will be like—of what the various parties will welcome, what they will resist, and what they will swallow. If the real purpose of the Committee is to launch a new policy on the country, then Members of Parliament will contribute much to this end”.<sup>62</sup>

#### RESTRICTION ON MEMBERSHIP OF COMMITTEES

A point worthy of consideration is whether the backbench Members of Parliament may become members of committees. Apparently, the Chairman or any member of the Estimates Committee or the Public Accounts Committee may not accept membership of any committee constituted by the Government without prior approval of the Speaker. It is important, in this connection, to note the relevant Direction<sup>63</sup> which reads:

- “(i) Whenever the Chairman or any member of the Committee on Estimates or the Committee on Public Accounts is invited to accept membership of any committee constituted by Government the matter shall be placed before the Speaker before the appointment is accepted.
- (ii) Where the Speaker considers it inappropriate that the Chairman or a membership of the Committee on Estimates or Public Accounts should serve on the Committee constituted by Government so long as he remains a member of the Committee on Estimates or Public Accounts, the latter shall not accept the appointment or membership of the committee constituted by Government.”

This provision seeks to ensure that the offer of membership of a committee appointed by the Government is not a device to wean away a member of the parliamentary committee to the side of the Government so that he might take it as an inducement to set up his views in opposition to those of the committee, and even to create dissensions in the committee itself. It is, however, understood that the scope of the above-mentioned direction is limited to those bodies which are in the nature of enquiry committees and are required to submit reports and that the direction is not applicable to bodies whose functions are

<sup>62</sup> *Advisory Committees in Great Britain, op. cit.*, p. 59.

<sup>63</sup> The Speaker's Direction No. 97.

merely of an advisory nature. A question is also mooted if there is any possibility of conflict arising between the membership of advisory committees and of the Estimates or Public Accounts Committees in cases where the subject with which the advisory committee concerned is also under the examination of the parliamentary committee. It appears that each case is considered on merit. Generally, membership of advisory committees, which do not submit any report to the Government, acts as no bar. Giving casual oral advice is different from considered written recommendations made through a report of a committee.

The principal criteria in the appointment of Members of Parliament on advisory committees should be knowledge, experience and integrity, and the search for these qualities must not be confined to members of the ruling party alone. Nor should this quest for knowledge, experience and integrity be made a cover to deny appointment to the members of the Opposition parties or used to narrowly restrict their number. It is not at all suggested that appointments on advisory committees should be in proportion to the respective strength of the political parties in Parliament. Nevertheless, a liberal attitude towards the Opposition is called for while appointing Members of Parliament on advisory committees. A plea for greater consideration to be shown to the Opposition parties in matters of appointment on advisory committee is provoked by a preponderance of Members of Parliament belonging to the ruling party, much in excess of what its strength in Parliament should warrant. A study of the personnel of ten advisory committees<sup>64</sup> reveals that out of a total of 21 Members of Parliament sitting on these committees, 18 (*i.e.* about 90 per cent of the total) belonged to the Congress, the remaining three seats were shared by the nominated members, the Independent, and the Communist. In non-political work, which advisory committees necessarily perform, the opposition members may be ideally associated and their talents laid under contribution, and this would also give them a sense of participation in the shaping of our common destiny.

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<sup>64</sup> These committees are listed in a pamphlet *Committees and Other Bodies on which Lok Sabha is represented wholly or partially*, brought out by the Lok Sabha Secretariat, New Delhi, July 1960 [C. B. (1) No. 141].

## 6

# An Advisory Committee at Work

SOME weeks,<sup>1</sup> or even some months, intervene between the formation of an advisory committee and its first meeting. The official resolution creating such a body usually announces its personnel as well. But in some cases<sup>2</sup> the announcement of the personnel is made at a subsequent period. There have also been instances where the

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<sup>1</sup> The Board of Trade, constituted on 11 May 1962, held its first meeting on 4 June—barely three weeks after the date of its formation. Not all committees, however, meet in so short a time. The Central Advisory Board for Tribal Welfare, set up on 3 September 1956, held its first meeting on 29 November 1956, *i.e.*, nearly three months after its formation. Similarly, the Himachal Pradesh Advisory Committee, set up on 22 November 1956, held its first meeting on 15 February 1957, *i.e.*, nearly three months after its inception. Normally, it takes two to three months to summon the first meeting of an advisory committee.

<sup>2</sup> The Resolution creating the Central Advisory Board of Education did not announce the personnel of the Board. It said: "The names of persons appointed to be members of the Board . . . will be announced shortly." Vide *Resolution No. E. 122-3/35-E*, dated 8 August 1935, Department of Education, Health and Lands.

members of an advisory committee have been announced in instalments. Thus, the members of the Direct Taxes Advisory Committee (Ministry of Finance) were appointed in two instalments. During this period between the creation of a committee and its first meeting, the Ministry or the Department has to address itself to a host of activities. It establishes contacts with the members, familiarises them with the terms of reference of the committee including limiting factors, if any, engages in finalising the agenda for the meeting, prepares explanatory memoranda on the items for discussion, despatches these memoranda and other necessary papers, in advance, to the members and, finally, notifies all its members about the place, date and time of the meeting. Matters relating to a committee are normally made a charge of a particular section or branch in the Ministry, which undertakes all correspondence with the members as well as with other ministries and State Governments, if necessary.

Before proceeding further to describe how an advisory committee functions, it is proposed to first describe its various components, such as the chairman, the secretary, the members, official as well as non-official. It is on the proper balancing of these different roles that an advisory committee gets along with its allotted task.

#### CHAIRMAN

In most committees the chairman is either the Minister or the Deputy Minister of the ministry to which the committee is attached. It is not a common practice to appoint an official as the chairman of the consultative committees. In the case of expert committees, however, even a senior officer of the Ministry may be nominated as the chairman. The chairmen of committees attached to the Ministry of Education are usually selected from amongst the officers of the Ministry, and this arrangement, it may be recalled, has met with criticism at the hands of the Estimates Committee. "The (Estimates) Committee observe from the Government Resolution . . . that the composition of the All India Council for Elementary Education provides for the Educational Adviser to the Government of India and the Head of the Basic and Social Education Division of the Ministry of Education to be the Chairman and Secretary of the Council respectively. The . . . do not appreciate the policy of intimately involving the

Ministry with the management of such bodies.”<sup>3</sup> It is not common, however, for a non-official to be nominated as the chairman of an advisory committee, although a non-official chairman of the following committees is an exception to the general practice:

1. National Shipping Board;
2. National Council for Women's Education;
3. Central Council of Gosamvardhan;
4. Indian Board for Wild Life;
5. Scientific Food Advisory Panel;
6. Central Sanskrit Board;
7. All India Handicrafts Board; and
8. All India Council of Sports.

The chairman is the key man of the committee. He presides at the meetings of the committee and, thus, regulates and controls the discussion. The agenda of the meetings is prepared with his consent and in cases of doubt about the admissibility of a particular proposal his decision is considered final. In the meetings he should allow reasonable time to each member for expressing his views and opinions on the items under discussion but, all the same, he should avoid giving an impression of being overindulgent. He, being responsible for conducting the proceedings in an orderly and dignified way, should see that only one member speaks at a given time. He should follow the progress made against the agenda, and should assure that all the interests have had fair opportunity of presenting their points of view in the meeting. He should exercise caution in the attitude he adopts and the utterances he makes, and maintain, always, an equable temperament. He should forbear giving an impression that he stifles discussion and gives himself unnecessary airs by too frequent interventions or by treating the committee as his audience, thereby preventing others from expressing their viewpoints. In a committee it is not unusual to find some members of a reserved nature. It is the duty of the chairman to induce such members to present their views and opinions for the consideration of the committee. At the end of the discussion on more important items he should sum up the various points of views as well as the consensus of opinion emerging from the discussion. This is necessary lest the members should have any doubts as to the decisions reached in the meeting. It may happen that

<sup>3</sup> *Fourth Report of the Estimates Committee, Second Lok Sabha, para 92.*



some members may feel strongly over a matter and, consequently, find it difficult to reconcile themselves to the ultimate decision of the committee. The chairman, while upholding the decision, should somehow seek to assuage their feelings. In this context, the present writer cannot help recalling how Govind Ballabha Pant, the former Home Minister, exhibited commendable tact in the conduct of the meetings. A certain advisory committee took a decision on a matter despite the persistent opposition of a member. The latter had strong feelings on this issue, and when he could not succeed in having his point conceded, he wished to leave the meeting, adding that he could not be a party to that decision. The conversation that ensued between the Chairman (Govind Ballabha Pant) and the irate member sufficiently indicates how absolutely necessary it is for the chairman to handle the situation tactfully:

MEMBER I cannot give my support to any change whether it is minor or major in the Act. With your permission, I wish to withdraw from all future meetings of the Advisory Committee. I cannot be a party to this decision, which does not do justice to the ...

CHAIRMAN The word 'justice', I think, is not perhaps so inelastic and easy. What is regarded as injustice by one may be regarded as justice by another. It has not a universal meaning, and it is not within my power to override the majority opinion here because a particular member does not share their views.

MEMBER It is very difficult for me to give my consent to this measure.

CHAIRMAN You may not give your consent, but if you say that and if others do not agree with that ...

MEMBER I am not saying that I was saying that I cannot give my consent to this measure and I feel that I cannot be of use to this Council. Therefore, with your permission, I wish to drop from all future meetings of the committee.

CHAIRMAN In a democratic organisation you have to submit to the views of the majority howsoever you may feel that the majority is wrong. You have to exercise patience in the hope that they will sometime see

light. So better persevere and do not become so hopeless ...

MEMBER

I was placing myself at the mercy of those who had their own view. I suggest that a forum may be made where every section may have their (sic.) say and then you may draft a Bill but even this small thing is not being accepted and it is better that I should exclude myself from these meetings. It is my innocent suggestion.

CHAIRMAN

You can persuade your colleagues but we will be depriving ourselves of your advice and I cannot permit you to withdraw yourself from the meetings. Then, we take that these amendments are approved.<sup>4</sup>

It is, thus, obvious that the chairman is of crucial importance in the committee. His status is evidently higher than that of a member and he is available to the Ministry for frequent consultations in between the meetings. Special care need, therefore, be taken in selecting an individual for this office. He should keep the discussion on an even keel; for, too often, the committee relapses into irrelevant discussion. The committee should always be kept seized of the central theme. In particular, he should ensure that the decisions are not taken in haste without a proper analysis of all aspects and points of view. In this context, the following observation of Arthur Helps, a nineteenth century administrator, appears to be quite appropriate: "In the conduct of councils there are several things to be observed by those who would make judicious use of such bodies, and especially by those who are placed at the head of them. In this world so many things are decided by fatigue. The council, if not guided by a skilful person in its discussions, will waste its time upon minor points and in combating the unreason or the argumentativeness of some one or more of its members; and then, at the last, a hasty decision has to be formed, which may be anything but the wisest which could be formed."<sup>5</sup> A chairman should, thus, be appointed only after a meticulous scrutiny

<sup>4</sup> The proceedings of this committee are treated as confidential. Hence the inability to disclose the source.

<sup>5</sup> Helps, Arthur, *Thoughts Upon Government*, London, Bell and Daldy, 1872, pp. 100-101.

of the individual's qualities, his other pre-occupations, his capacity to get along with others, and the like. L. Hagestadt rightly points out:

"At first sight it looks attractive to appoint any available well-known man with a national reputation in the hope that he will tower over others, provide width of outlook and dominate the committee. Such appointments, however, are often unsuccessful. The national figure is so busy that he cannot devote sufficient time to the work; the meeting of the Advisory Committee is 'small beer' to him and he gets through too quickly without allowing members sufficient time to make their points. It is generally better to have a man whose interests are confined; who will make the chairmanship his main activity: someone who is teachable and ready to spend time learning about the Ministry which his committee advises. The ideal chairman is one who naturally takes up *vis-a-vis* the Ministry the position of a candid friend. Neither 'yes-man' nor a 'no-man', his attitude is neither subservient nor over-critical. His criticism is informed criticism and his praise is discriminating. He does not hurry and gives members time to make their points. A Ministry is wise to delay making an appointment until a good man has been found."<sup>6</sup>

#### SECRETARY

As a general rule, the secretary of an advisory committee is an official of the ministry<sup>7</sup> concerned. In some committees there is a provision for a member-secretary. The latter has, thus, dual functions: he participates in the meetings as a full-fledged member, and, in addition, also performs the secretarial duties relating to his committee. The Scientific Food Advisory Panel, the All India Handicrafts Board, the Board of Trade, the Central Advisory Board of Physical Education and Recreation, and the All India Council for Secondary Education are instances of committees having provision for the office of a member-secretary.

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<sup>6</sup> Hagestadt, L., 'Local Advisory Committees', in *Public Administration*, London, Vol. XXX, Autumn 1952, p. 216.

<sup>7</sup> In this respect as well, there is no uniformly followed practice. The secretary of the All India Handicrafts Board is a non-official. Similarly, the Central Council of Gosamvardhan has two secretaries—official secretary and non-official secretary.

The secretary is, for all practical purposes, the god-father to the advisory committee, assisting both the members and the chairman. He prepares explanatory memoranda on items figuring on the agenda, and sends these to the members so that they come to attend the meetings well prepared. Also, he sends other necessary papers for the enlightenment of the members. He has a part to play in arousing the members' interest in the work of the committee by preparing informative but readable material for their perusal. Stress is here laid on this point, as, often, the material supplied to members is prepared in such a style that they are not able to make out much from them. The secretary's contact with the chairman is more intimate and continuous. He prepares the agenda under the instructions of the chairman. In the meeting he sits beside the chairman to hand over necessary papers, etc., and to brief him, when necessary. In fact, it is his primary duty to keep the chairman adequately briefed. "The amount of briefing which the chairman needs will depend upon circumstances. Sometimes the secretary need do no more than pass on any relevant information, *e.g.*, that certain members will not be present; sometimes the chairman will need a brief which will summarise the main points he should make and help him in planning the meeting. It may usefully include notes about the views particular members are likely to express. Such a brief is almost invariably supplied if a chairman is a Minister."<sup>8</sup> One may, thus, interpret the secretary's role as being that of an effective instrument of the department to keep the committee under rigid departmental discipline, even tutelage. His role, however, is not so confined in practice. He should regard himself as the servant of the committee and as the interpreter of the department to the committee and of the committee to the department rather than as the tool of the department."<sup>9</sup> The secretary should attend the meeting fully prepared. During discussion he should see that all the facets of the problem under review receive proper attention. If a certain point has been missed, he should bring it to the chairman's notice. Apart from these duties, he is not expected to take any active part in the discussion.

The secretary is the first to reach the place of the meeting, and

<sup>8</sup> 'Committee Procedure', in *Public Administration*, London, Vol. XXXVI, Autumn 1958, p. 251.

<sup>9</sup> *Advisory Committees in British Government*, *op. cit.*, p. 66.

must satisfy himself that all necessary arrangements have been duly made. During discussion he should take down important points, and assist the chairman in drawing out the views of the members in a systematic way. A good secretary is verily the friend, philosopher, and guide of the committee, though, apparently, he remains committed to anonymity. L. Hagestadt rightly observes:

“A successful Secretary really believes that his committee is important and that it is worthwhile taking time and trouble at meetings and between meetings to make it function successfully. Most committees start by being cold and aloof and they remain like this until they have been ‘wooded’ or charmed into a sympathetic mood. This requires patience and skill on the part of the secretary as well as the Chairman. A good Secretary will ‘nurse’ his Chairman and rouse and retain his interest. He will always brief him thoroughly, choosing the means, oral or written, best suited to the Chairman’s character. He will study his members and note their reactions to different aspects of the Committee’s work.”<sup>10</sup>

The secretaryship of an advisory committee is seldom a whole-time job. The secretary remains engaged in the work of the committee for a week or so before the day of meeting. The official, who is nominated as the secretary of a committee, has primarily some other administrative assignment under his charge and the duties attached to his position as the secretary are in addition to his main functions. In this connection, it may be pointed out that the Board of Trade and the Shipping Coordination Committee mark a departure from this practice, as each of them has a whole-time secretary.

#### OFFICIAL MEMBERS

In quite a large number of advisory committees one finds the officials, representing different ministries, participating as members. This is because an advisory committee provides a means by which the various ministries, whose activities fall within the ambit of the committee’s functions, are enabled to keep in touch with each other’s operations, and to adopt steps to ensure that all of them are working cooperatively towards the realisation of the common end. These officials’ association

<sup>10</sup> Hagestadt, L., *op. cit.*, p. 217.

with the committee is, thus, an indication of the Government's anxiety to make its operations serve the best interests of the people. It is, therefore, essential that these officials should keep themselves apprised of the members' demands and grievances, and seek to adjust or readjust their operations accordingly. At the same time, however, they should have the power of discrimination to distinguish between their partisan and sectional demands and the genuine wishes of the community. Theirs is, thus, an admittedly arduous role. In this context, one cannot do better than quote Sir John Crawford:

"They (senior officials) must explain existing Government policies and yet not hamper critical reviews of them by the chosen outsiders. They can ensure a constructive attitude but they cannot muzzle advice merely because it may embarrass the Government. In my experience these advisers invariably welcome the help of officials if given courteously and objectively. Whether the officials are effective or not, they certainly, through such bodies, come more and more into the ken of an important cross-section of the nation's commerce and industry leaders. In these circumstances the concept of Ministerial responsibility assumes added importance. For not only must the civil servant avoid becoming a 'Minister in disguise', he must, as Wheare rightly argues, also avoid becoming a party politician. His integrity as a permanent official must not become suspect in the eyes of the outside community. ... Outside advisers sometimes have direct economic interests in one policy or another. In these circumstances the civil servant must both provide the factual data the advisers require and yet also comment on weakness and omissions in reasoning in proposals which advisers may wish to make—especially if faulty reasoning is clearly born of self-interest and prejudice. All this has to be done without forcing the advisory bodies to function merely as rubber stamps."<sup>11</sup>

#### NON-OFFICIAL MEMBERS

The non-official members constitute the kernel of the advisory committee, in fact, its *raison d'être*. It is with the object of providing

<sup>11</sup> Crawford, Sir John, 'Relations Between Civil Servants and Ministers in Policy Making', in *Public Administration*, Sydney, Vol. XIX, No. 2, June 1960, p. 107.

representation to the affected interest-groups that an advisory committee generally speaking, is called into being. In the meeting it is they who do—and are even expected to do—most of the talking. The interests of the officials are, on the other hand, much more confined. The officials either clarify the points made by the members or rebut the charges preferred by the latter. In short, the role they play in the meetings is largely passive. Since an advisory committee provides a forum to the several interest-groups to make their views on different problems known to the ministry concerned through their representatives, the members should come to attend the meeting after mastering the details of the subjects figuring on the agenda. It is only then that they may hope to make an impact on the administration.

Reference has already been made to the practice of inviting associations to nominate their representatives on certain advisory committees. Such nominees constitute, so to say, a distinct class of members in an advisory committee. Is such a member to act as the mouthpiece of the sponsoring association, with the consequent loss of his personal initiative and independent thinking? Is he to content himself with retailing another's (association's) ready-made views and opinions? In practice, such members work in close and continuous collaboration with their associations, displaying, in the meetings, broad conformity with the views and opinions of their patrons. Nonetheless, it would be making a rather heavy demand on the member if the sponsoring association issues whips, as it were, completely fettering his judgment and thinking. The member must needs be left largely free, and this sounds logical as well, as his views, expressed in the meetings, are not binding upon the association. "So far as the nominees are concerned the appointments are always personal ones and the views expressed are taken to be their own. They are under no commitment to present the attitude of the body which suggested their name; on the contrary, it is their duty to argue matters as they themselves see fit."<sup>12</sup>

#### FUNCTIONING OF A COMMITTEE

The meeting of a committee, to use an analogy, is like an iceberg whose major part remains hidden from our gaze. A good deal of

<sup>12</sup> *Advisory Committees in British Government, op. cit.*, p. 43.

preparation, both by the secretariat (of the committee) and the members precedes the holding of a meeting. The ball is set rolling by the secretariat of the committee, which contacts the members informing them of the place, date and time of the meeting, and also inviting suggestions for discussion. Thereupon, the members begin sending their proposals. Each proposal is required to be accompanied by a brief explanatory memorandum explaining its salient features. It is, however, not included in the agenda if it goes beyond the terms of reference of the committee. In cases of ambiguity the chairman's opinion is almost always sought, and his decision is deemed final. There is, further, a practice of informing the member about the acceptance or otherwise of his proposal. It has also sometimes happened that a proposal could not be included due to sheer official negligence, and, when the chairman's attention was drawn to this by the member, a mere regret was expressed. The secretary causes explanatory memoranda to be prepared on all items that figure on the agenda, and sends these along with other relevant papers to the members in advance so that the latter may have sufficient time to study them. It needs to be stressed that the items on the agenda do not necessarily originate with the members. In addition to the members' proposals, the agenda also contains items proposed by the Ministry to which the committee is attached, or even by other Ministries having some concern with the work of the committee. The object here is to seek the committee's approval of these official proposals. In practice, this approval is rarely, if ever, withheld. Varying the well-known Biblical saying, a cynic might say that the hand is the hand of the advisory committee, but the mind is the mind of the Ministry.

It may here be mentioned that the members have to send their proposals by a specified date. For, the secretariat of the committee also requires some time to prepare the necessary memoranda, etc., on various items. Proposals reaching after the specified date are not included in the agenda of the coming meeting but are usually held over for the next. Generally speaking, the proposals must reach the secretariat at least ten or fifteen days before the date of the meeting. Similarly, the agenda papers must be circulated among the members at least a week before the meeting. However, this time-table is not generally adhered to. There is a general complaint in committees that the agenda papers are despatched late, leaving little time to the



members to glance through them. This results in desultory discussion leading often to demands for postponement of some of the items for the next meeting.

Meanwhile, the secretary has to finalise numerous arrangements well in time. The room which may comfortably seat all the members has to be booked in advance. On each seat is generally displayed a card bearing the member's name. This not only rationalizes the seating arrangement but also assists the members in identifying one another. The secretary and his staff reach the venue of the meeting quite early to check up finally the arrangements made. Although the agenda papers have already been circulated among the members, he should keep spare copies of such papers with himself. For, these may readily be made available to such members as forget to bring these papers to the meeting—and, this is not a rare occurrence. He should also keep with him the relevant files, statistics, rules of procedure, papers for distribution among the members, etc. An efficient secretary develops the uncanny habit of anticipating all such demands and equips himself accordingly.

The meeting starts at the appointed time with an address from the chairman. The chairman, in his speech, welcomes the members, and in a general way dwells upon the task facing the committee. His speech over, the committee settles down to its work. The members have already been furnished with the list of business to be considered at the meeting. Items are discussed serial-wise. Broadly speaking, there is a certain pattern in the arrangement of items on the agenda. The official items and those considered more important by the ministry are placed high up in the agenda. More often than not, the earlier items receive more than average attention, and the members' enthusiasm and interest become perceptibly languid by the time the last items are taken up for discussion. Like an examinee's last question in the examination paper, the last item generally attracts only cursory attention.

The medium of discussion is normally English, although in consultative committees a few members are found speaking in Hindi. There is, however, a general feeling among the members that the medium of English is more rewarding than that of Hindi. At least, the discussion conducted in English gives the impression of apparently receiving greater attention at the hands of civil servants than is otherwise the case. Be that as it may, it has to be confessed that the

preference for English as the medium for discussion has materially handicapped many a member and many a committee. Those who can clearly express themselves in English are not many in this country, and certainly their number is considerably small among those who today sit in more than five hundred advisory committees attached to the machinery of government. Many members, while trying to speak in English, do not succeed in presenting their case clearly and cogently. Further, they cannot argue out their point over any length of time, and are often easily silenced by the bureaucrats who easily demolish their otherwise valid case by well-chosen expressions.

Although a large number of advisory committees have a formal provision for voting, resort to it is not generally made. At the end of the discussion on an item, the prevailing consensus of opinion is taken to be the recommendation of the committee. A more or less informal atmosphere permeates the deliberations, although much of this informality is necessarily absent in a large-sized committee. Points of order are never a craze with the committee, and a member may speak more than once on the same item. In point of fact, however, all the members do not participate in the discussion. In most of the consultative committees there are many members who remain tongue-tied throughout the meeting, and contribute precious little to the shaping of the public policy.

The deliberations of the committee continue until the last item on the agenda is disposed of. There are, however, occasions when the meeting adjourns without discussing all the items on the agenda. In such cases the remaining items are to be discussed at the next meeting of the committee. Such occasions generally arise when the committee has to go through a heavy agenda or has no time to take up the remaining business. Most committees hold their meetings from 10 a.m. to 5 p.m., the members taking time off for lunch and re-assembling after one- and a-half hours (or, even two hours) to resume the discussion. In between the discussion there is a convention to serve them refreshment (consisting of tea, coffee or cold drinks, biscuits, fried cashewnuts, etc.) Some advisory committees meet in the afternoon. Further, most of these committees hold one-day session. Only a small number of them, such as the Central Advisory Board of Education and the National Railway Users' Consultative Council meet for two consecutive days.

Even when a certain committee meets for two days, the practice is that it takes up the more important items on the first day. Usually, the last item on the agenda is 'any other matter with the permission of the chairman'. Under this item the committee normally considers, with the prior permission of the chairman, any routine or non-controversial matter. When all the items have been disposed of, the chairman sometimes sounds the members about the date of the next meeting, and there is a general disposition to accede to the members' wishes, of course, within certain limits. The present writer recalls how the members of a certain advisory committee were anxious to so fix the date of the meeting that their presence in Delhi could coincide both with the Republic Day and Queen Elizabeth's visit. In deference to their wishes, this committee decided to meet on 27 January, 1961.

At the end of the meeting it is customary for the chairman to thank the members for their advice and assistance, whereupon the meeting ends. This is how a typical advisory committee meets and functions.

Here it may be stressed that the proceedings of some advisory committees are recorded *verbatim*, and, subsequently, a summary is prepared from these *verbatim* proceedings. The proceedings of the National Railway Users' Consultative Council are tape-recorded and also taken down in short hand. In the case of other committees only important notes are taken down by the secretary and his staff.

Members of advisory committees are not paid any salary. The membership being considered to be a voluntary public service. The non-official members are, however, paid travelling, daily, and out-of-pocket allowances for attending meetings. A member is entitled to travel first class<sup>13</sup> both ways. Besides, he gets the daily allowance of Rs. 20, and the out-of-pocket allowance of Rs. 10 per day spent in travelling, to and from, the railway station nearest to his town of residence and the place of meeting.<sup>14</sup> Also, official members of the committee are paid travelling and other allowances as per rules of the Government, if they have to go out from the place of their posting to attend the meetings. Among the members of many an advisory committee are officials of the state governments as well, and their allowances are borne by their state governments. A member,

<sup>13</sup> He may travel by air under certain circumstances.

<sup>14</sup> These rates vary from committee to committee.

# AN ADVISORY COMMITTEE AT WORK

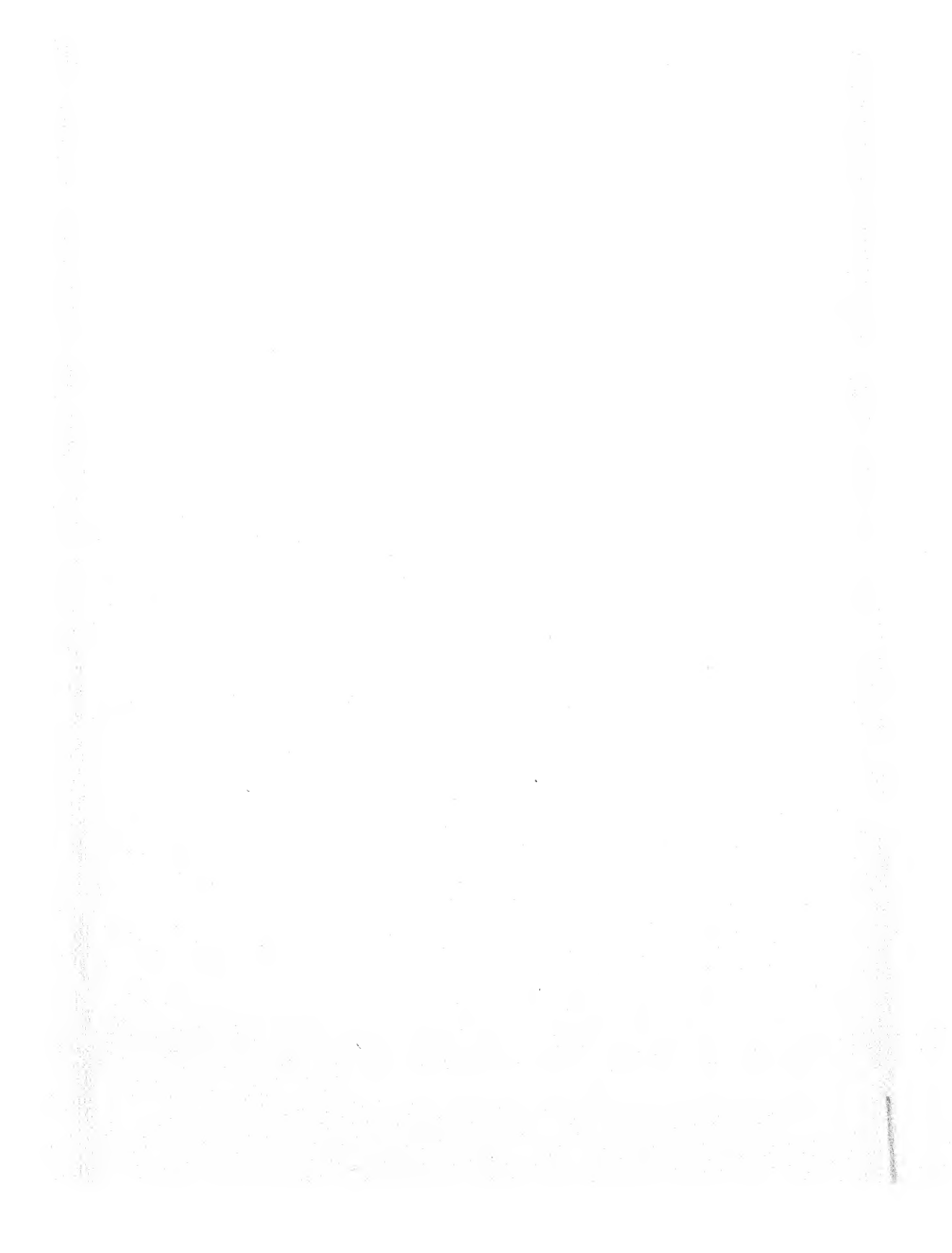
who is also a Member of Parliament or of the State Legislature is not paid any daily allowance on any day on which he is entitled to such allowance as is admissible to a Member of Parliament, or of a State Legislature.

Finally, it may not be out of place to refer briefly to the expenditure incurred on advisory committees. Although the membership of advisory committees entails voluntary public service, they do cost the public exchequer in the shape of various allowances given to the members. Information on expenditure incurred on all the committees could not be collected. Nevertheless, a general idea may be formed from the following table which indicates the annual expenditure incurred by the Government on fifteen advisory committees, all attached to the Ministry of Education.

S. No.	NAME OF THE ADVISORY COUNCIL	NUMBER OF MEMBERS	NUMBER OF MEETINGS IN A YEAR	ANNUAL EXPENDITURE (IN RUPEES)
(1)	(2)	(3)	(4)	(5)
1.	Central Advisory Board of Education	About 42	1	6,000
2.	National Council for Women's Education	26	1	5,000
3.	Children's Literature Committee	9	1	3,000
4.	All India Council for Elementary Education	32	1	1,500
5.	State Education Ministers' Conference	17	1	1,500
6.	National Commission for Cooperation with UNESCO	—	1 in two years	10,000
7.	All India Council of Sports	15	4	15,000
8.	National Board of Audio-Visual Education	24	1	4,000
9.	Central Sanskrit Board	9	3	6,000
10.	National Council for Rural Higher Education	14	—	9,000
11.	Advisory Board on Social Welfare	11	1	1,500
12.	National Advisory Council for the Education of the Handicapped	25	1	4,000
13.	Central Research Advisory Committee	About 10	1	1,500
14.	Central Advisory Board of Physical Education and Recreation	15	2	4,000
15.	Hindi Shiksha Samiti	26	1	4,000
TOTAL				Rs. 76,000



*PART TWO*  
**SPECIAL STUDIES**



## 7

# Consultative Committees

CONSULTATIVE committees or the representative advisory committees constitute nearly seventy-one per cent of the total number of advisory committees in India. Apart from the overwhelming numerical strength, they form the most important class of advisory committees. In fact, it is this class which gives advisory committees a distinct complexion and makes them identifiable with democracy itself. Truly, advisory committees without the consultative ones may be likened to *The Hamlet* without the Prince of Denmark.

Much has been said, in the present study, about this type of committees, and it is not the intention to repeat what has already been presented. It is now proposed to describe the following three consultative committees :

1. Central Advisory Board for Harijan Welfare;
2. Central Advisory Board for Tribal Welfare; and



### 3. National Railway Users' Consultative Council.

The scheduled castes and the scheduled tribes are, unfortunately, the "low pressure areas" of the Indian community. They are backward, educationally, economically, socially, and culturally, and this lower part of the Indian social structure has to be shored up by conferment of special privileges and benefits till they are brought up on a par with the rest of the society. Consequently, the Constitution has made special provisions for safeguarding and promoting their interests and welfare. Welfare programmes for them being a relatively new area of work for the Government, it has, as a result, stood in need of advice from those who have had the necessary knowledge and experience of working for the amelioration of these castes and tribes. Besides, it is no less imperative that these programmes must reflect the "felt needs" of these communities, and this demands consultation with those who can identify and interpret their problems, hopes, fears, and anxieties. It is precisely for these reasons that the Central Government set up in 1956 the Central Advisory Board for Harijan Welfare, and the Central Advisory Board for Tribal Welfare, and thereby associated the Members of Parliament and other social workers with matters pertaining to the welfare of the scheduled castes and the scheduled tribes. The Members of Parliament associated with these Boards are mostly the representatives of the scheduled castes (in the case of the Board for Harijan Welfare) or the scheduled tribes (in the case of the Board for Tribal Welfare) whereas the social workers appointed on them share with the Government their knowledge and experience of welfare work amongst the respective community. These Boards are, thus, of a broadly representative character, and are advisory in nature.

Since both the scheduled castes and the scheduled tribes are backward, and, moreover, are seized of a common desire for advancement, one might argue for the merger of the two separate bodies into one more broad-based committee. This single committee, as a result of added strength, would display more vigour and effectiveness in advancing the cause of their clients. It is, however, important to remember that the scheduled castes and the scheduled tribes have little in common except their common heritage of backwardness. The tribal people inherit different racial affinities, and are essentially

forest-dwellers, with their life inextricably integrated with that of the forest. Moreover, they are concentrated in certain areas, whereas the scheduled castes are scattered all over the country. This compact living fosters cohesiveness and exclusive cultural patterns, and, besides, this ensures their adequate representation in legislatures. The latter, being in a minority everywhere, cannot hope to get adequate representation without recourse to a system of reservation of seats. Further, the stigma of 'untouchability' hardly attaches to the scheduled tribes. The focus of attention, therefore, is not the same in the two cases, which calls for the creation of two separate bodies. That the scheduled tribes need sensitive handling is well recognised in the *First Five Year Plan* as well:

"The conditions are now generally such that there has to be a positive policy of assisting the tribal people to develop their natural resources and to evolve a productive economic life wherein they will enjoy the fruits of their labour and will not be exploited by more organised economic forces from outside. So far as their religious and social life is concerned, it is not desirable to bring about changes except at the initiative of the tribal people themselves and with their willing consent. It is accepted that there are many healthy features of tribal life, which should be not only retained but developed. The qualities of their dialects, and the rich content of their arts and crafts also need to be appreciated."<sup>1</sup>

The rationale behind the setting up of these Boards is a determination to enable these classes of the population to occupy equal places with other citizens of the country. The aims and objects of these Boards are the acceleration of the pace of progress of the welfare programmes in a bid to bring about alround progress in the lives of these classes. The need for creating such advisory committees was first stressed by the Seminar on Problems of Scheduled Castes and Scheduled Tribes, held in Delhi in December 1955. One of the recommendations made by the Seminar was: "Advisory Boards to help the authorities in chalking out proper scheme for the welfare of the scheduled castes and the scheduled tribes should be set up at all levels, e.g., tahsils, districts, states. A similar Board should also be set up at the centre in order to advise the Ministry of Home Affairs

<sup>1</sup> *First Five Year Plan*, New Delhi, Planning Commission, 1951, p. 636.

in such matters. Members of the Planning Commission, MLAs and other social workers should freely associate with these Boards.”<sup>2</sup>

### 1. CENTRAL ADVISORY BOARD FOR HARIJAN WELFARE

Work for the educational, cultural, material and spiritual advancement of the Harijans has an obvious urgency, as the pace of their progress must needs be accelerated to enable them to occupy equal places with other citizens of the country. Their backwardness is a national problem, and the Central Advisory Board for Harijan Welfare has been created so that it may address itself wholly to the working out of the necessary ways and means for the advancement of the Harijans. Set up in September 1956, the Central Advisory Board for Harijan Welfare associates Members of Parliament and other public workers interested in the welfare of the scheduled castes with matters pertaining to the betterment of members of these castes. At the back of the setting up of this Board as also of its tribal counterpart is a firm realisation that “the problems relating to the amelioration of the conditions of scheduled castes, scheduled tribes and other backward classes and to the removal of social disabilities require public cooperation in addition to Government efforts, if they are to be tackled successfully”<sup>3</sup>. This object is sought to be achieved by constituting the Board with which prominent social workers and Members of Parliament belonging to scheduled castes as well as those who do not belong to these communities but nevertheless take active interest in their welfare are associated.

The Resolution announcing the formation of this committee has fixed the membership at thirty of whom twenty will be persons belonging to the scheduled castes. No number has been fixed of the Members of Parliament to be nominated to it, and this is in contrast to the provision governing the Central Advisory Board for Tribal Welfare under which fifteen Members of Parliament are to be nominated to it. Actually, however, it consists predominantly of the Members of Parliament, their number varying between twenty and twenty-five.

<sup>2</sup> These recommendations are reproduced in Appendix XLVI (Statement 3) in the *Report of the Commissioner for Scheduled Castes and Scheduled Tribes* for the year 1955, Part II, Appendices, Delhi, Manager of Publications, 1956.

<sup>3</sup> *Report of the Commissioner for Scheduled Castes and Scheduled Tribes* for the year 1956-57 Delhi, Manager of Publications, 1957, p. 6.

Secondly, unlike the Board for Tribal Welfare which does not restrict its membership to the members of the scheduled tribes only, the Central Advisory Board for Harijan Welfare must have twenty members belonging to scheduled castes, and this provision virtually makes the Board an almost exclusive forum of the members of the scheduled castes. Originally, the members were nominated for one-year term, which was subsequently raised to two years. The one-year tenure was evidently too short, as it inevitably takes some time for the members to get acquainted with the work in hand. Formally speaking, although the membership is for two years, in practice, about one-third members are usually renominated to the reconstituted Board. Such a provision makes possible the utilisation of experience gained by the members during the previous term. This practice, however, should not be made too common or widespread if only to prevent the banging of the door on the entry of new blood. Only those sitting members need be renominated whose continued presence is considered to be necessary and useful for the furtherance of the task.

The Board, consisting, as it does, of a large number of Members of Parliament, has inevitably a preponderance of the members of the ruling party. This is because of the circumstance that most of the scheduled caste Members of Parliament have been returned on the Congress ticket. Also, political loyalties may perhaps be an influencing factor. The Member of Parliament from Kerala nominated to this body is not a member of the scheduled castes. This is not because there are no scheduled caste Members of Parliament from Kerala—the two parliamentary reserved constituencies returned Communist members to the Lok Sabha in the Second General Election but they were bypassed in favour of the member of the ruling party. Similarly, the Member of Parliament from Orissa nominated to this Board belongs to the ruling party, although it may be noted that five out of eight reserved constituencies returned non-Congress members.

The Resolution does not prescribe the number of Members of Parliament to be nominated to the Board. In practice, however, they have always been in a majority, their actual number ranging between twenty-two and twenty-five out of which usually three or four are from the Rajya Sabha. Although the Ministry of Home Affairs selects the members, including Members of Parliament to the Board, the Minister for Parliamentary Affairs is the *de facto* authority in the

matter of nomination of Members of Parliament to this body. In point of fact, the list of names that he sends is invariably accepted *in toto* by the ministry. A study of the personnel of the Board, after its reconstitution in 1961, reveals the preponderance of the Congress back-benchers<sup>4</sup> as also of the members belonging to the scheduled castes. If the object in view is—as it should be—to associate Members of Parliament belonging to the scheduled castes, the preponderance of the Congress Members of Parliament is inevitable in any scheme of composition because most of the scheduled castes members are the members of the Congress. Also, the fact that the Minister for Parliamentary Affairs is the real authority in the nomination of Members of Parliament to the Board gives an edge to the Congress members in securing nomination.

The Board was reconstituted in January 1961 and the membership being for two years, it was due to be reconstituted in early 1963. This implies that the Members of the defunct second Parliament nominated to this body, would continue to be its members, though, with the inauguration of the third Parliament in 1962, some of them might have ceased to be Members of Parliament. Such an eventuality might rob the Board of its representative character. This possibility is forestalled by the rules of procedure, which lay down that a Member of Parliament terminates his association with the Board as soon as he ceases to be a member of that august body. The Home Minister is the chairman. In his absence, however, the Minister of State in the Home Ministry presides over the meetings.

According to the Resolution the Board is ordinarily to meet once every six months. In practice, the meetings are held rather irregularly, and, so far, the Board has been holding its meetings once in a year. The following schedule indicates how, in obvious contravention of the provision made in the Resolution, meetings of the Board have been held:

- I Meeting held on 28 November 1956,
- II Meeting held on 12 October 1956,
- III Meeting held on 27 September 1958,
- IV Meeting held on 13 April 1959,
- V Meeting held on 29 July 1960,
- VI Meeting held on 27 April 1961.

This irregularity has been matched by an equal irregularity on the

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<sup>4</sup> Nineteen out of 21 Members of Parliament from the Lok Sabha belong to the ruling party.

part of the members in attending the meetings of the Board. The former indicates lack of concern on the part of the ministry for the deliberations and fruitful cooperation of the Board for Harijan Welfare. The latter trend indicates, if anything, that the members themselves are not particularly animated by any marked desire or determination to ameliorate the lot of their clients, or, at any rate, to utilise this forum with enthusiasm and steadfastness. At no meeting of the Board have more than twenty-five members-presented themselves, and on one occasion only eighteen members showed up. In this context the following table may be found illuminating:

SERIAL NUMBER OF MEETING	NUMBER OF MEMBERS PRESENT	M.Ps. PRESENT
1	23	15
2	23	17
3	25	22
4	17	13
5	23	19
6	18	13

The Board advises the Government on all matters pertaining to Harijan welfare and, in particular, does so in regard to the following:

- (a) assessment of the requirements of Harijans and formulation of welfare schemes for them;
- (b) review from time to time of the working of sanctioned schemes and appraisal and evaluation of the benefits derived thereof, with a view to suggesting improvements or changes in the schemes where necessary.<sup>5</sup>

To cope with this task the members of the Board have to be furnished details of the welfare schemes for Harijans to be executed by the States. As such, the Home Ministry obtains these from the States to be made available to the members for study. Since the non-official organisations have also been doing useful work for Harijan welfare, the ministry also obtains this information from the States to the extent it is available with the latter. This makes the members conversant with the steps taken by the States for the welfare of the Harijans. The Board is, in fact, designed to serve as a link between the Centre and the States. Indeed, to make the Board an effective link, the Home Minister suggested in the first meeting that the members of the Board could be coopted as *ex-officio* members of the State Boards,

<sup>5</sup> Resolution No. 19/118/55-Pub. II, dated 3 September 1956, Ministry of Home Affairs.

wherever such Boards already existed, and that where there was no Harijan Welfare Board, one should be set up. The States agreed to coopt the members of the Board on their State counterparts, this provision seeking to establish some sort of a liaison between these Boards and the States.

The terms of reference of the Board envisage its active association both in the formulation of measures for Harijan uplift and in the implementation thereof. This task evidently presupposes the identification of the problems confronting this section of the population. "The evolution of the social structure during centuries of feudalism in regions which were not then developed by communications led to the existence of large communities which suffered handicaps and disabilities imposed by other economically and culturally dominant groups . . . . Improved living conditions, education, and participation in a society with intensive economic inter-dependence and facilities for communication, movement, and contact will in due course of time lead to a total integration of these groups with the rest of the country."<sup>6</sup> These, then, are some of the areas where concrete steps need be taken to promote their welfare, and the Central Advisory Board for Harijan Welfare appears to have come to grips with these problems. It has shown an awareness of the need for educational advancement of the scheduled castes, their economic improvement, eradication of social disabilities, improvement of living conditions, etc. This is illustrated from the list of subjects dealt by it at its various meetings:

1. Adequate quota of foreign scholarships for Harijans;
2. Post-matric scholarships to all the scheduled castes candidates;
3. Pre-matric scholarships to the scheduled castes candidates;
4. Pre-examination coaching centres for scheduled castes;
5. Encouragement to the system of mixed hostels, and reservation in hostels for scheduled castes;
6. Educational facilities to the most backward communities amongst the scheduled castes;
7. Reservation in civil services and posts;
8. Reservation in services and posts under autonomous bodies;
9. Representation in legislatures and local bodies to the most backward amongst the scheduled castes;

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<sup>6</sup> *First Five Year Plan*, pp. 634-35.

10. Cottage industries on cooperative basis for the Harijan population;
11. Problem of marketing of goods produced by the various Harijan cooperative societies;
12. Trade and licence facilities to the Harijans;
13. Creation of multi-purpose fund to subserve the needs of the scheduled castes for different avocations;
14. Small contracts for scheduled castes;
15. Grant of agricultural land to landless Harijans;
16. Allotment of land to the Harijans for cultivation and for construction of houses;
17. Creation of an effective machinery to ensure that the scheduled castes get their due share of the general plan;
18. Legal aid to the Harijans;
19. Housing for sweepers;
20. Improving out-moded and inhuman methods of scavenging;
21. Propaganda and publicity for the removal of untouchability;
22. Giving encouragement to non-official institutions working for Harijan welfare;
23. Grants-in-aid to voluntary agencies.

It has rightly been emphasised that "education is the most urgent need of these communities"<sup>7</sup> (*i.e.*, the scheduled castes and backward classes), and the Board has been evincing continuing interest in, and concern for, the educational advancement of the scheduled castes. To this end the grant of scholarships on a liberal scale has been demanded by the members, and they have even suggested that all the eligible scheduled caste candidates should be granted scholarships for post-matric studies without being subjected to any process of selection. Also, a demand has been made for an increase in the number of scholarships for studies abroad, as well as for pre-matric stipends to scheduled caste students. These somewhat sweeping demands have not been viewed with approval by the Central Government which has held that in the future certain priorities and an element of selection would have to be introduced. The Government has felt that while assistance to deserving Harijan students should be liberally given so that no one is deprived of the benefits of education merely for want of funds, no hard and fast rule need be laid down that all scheduled

<sup>7</sup> *First Five Year Plan*, p. 635.



caste students should automatically be awarded scholarships. Further, as a result of the members' request, the Government has agreed that hosteling facilities for the scheduled castes students should be increased not only by building new hostels but also by obtaining for promising Harijan students seats in existing educational hostels and also in public schools.

The educational facilities offered by the Government have not been availed of equally by all sections of the scheduled castes community. Members of the Board have expressed the feeling that some of the scheduled castes, such as *bhangies*, *doms*, and the like, who are more backward than the rest of the scheduled castes, should get preferential treatment in the matter of educational facilities and other benefits. It has accordingly been agreed that steps need be taken so that amongst the members of the scheduled castes the less vocal and the comparatively backward sections may not be denied their due share of the advantages accruing from the measures earmarked for the uplift of these backward classes as a whole.

In regard to their share in employment opportunities, the members have pleaded for the introduction of a system of reservation in services under the Government as well as under the autonomous bodies. Even in selection for promotion to the Indian Administrative Service from the State cadre, some members have insisted upon reservation of posts for the scheduled caste employees. What is more, one member went to the length of demanding out-of-turn promotions for them. Such demands, or at least many of them, are evidently contrary to the sound principles of personnel administration, and their acceptance might result in a perceptible deterioration of the overall quality of the public services in addition to intensifying bad blood among civil servants.

With a view to improving the economic condition of the scheduled castes, the Board has been emphasising the need for diversifying their employment opportunities. Suggestions have accordingly been made for starting cottage industries such as piggery, poultry-farming, shoe-making, etc., on cooperative basis, for allotting land to the landless Harijans for purposes of cultivation, for according facilities in trade and business such as grant of import and export licences, small contracts, permits for running coal and fire wood depots, etc. Not all these demands, however, could be accepted by the Government. The Ministry of Commerce and Industry did not agree to the suggestion

of giving preferential treatment to the scheduled castes (and tribes) in the matter of import and export trade. Yet, some of the demands have found favour with the Government. In pursuance of the recommendation made by the Board, the State Governments have been requested to give preference to the Harijans in the allotment of land, if feasible. Similarly, the States have been requested to set up labourers' cooperative societies to help the scheduled castes enter certain avocations.

The Board is also giving thought to the improvement of the living and working conditions of the scheduled castes. At its first meeting it viewed with grave concern the prevalence of out-moded and inhuman methods of scavenging, which is one of the chief obstacles in the way of a speedy eradication of untouchability. It unanimously recommended doing away with the present practice of carrying night soil in buckets as headload. As a result, a sub-committee consisting of five members was formed to suggest suitable measures to this end. The Government now stands committed to assisting local bodies through and in collaboration with the States to enable them to adopt scientific means of collection, removal, carrying and disposal of night soil and offensive matters so as to make this work consistent with human dignity.

The living condition of the Harijans has also been receiving the attention of the Board. Many members have pleaded for the stepping-up of the housing programme for the Harijans, and wanted that in Harijan colonies ten per cent of the houses should be set apart for non-Harijans to avoid their segregation. The Government has accordingly accepted the principle of mixed colonies of the Harijans. It has also been agreed that in providing sites and houses to these classes, preference be given to the bhangies.

The Board has set itself the task of suggesting ways and measures for eradicating untouchability, and for this purpose it has recommended the following measures:

1. The Central Government may impress upon all public personnel and request State Governments to do likewise:
  - (a) that serious notice shall be taken of the practice of untouchability in government offices and by civil servants; and
  - (b) that the police and the magistracy have a special obligation to enforce the provisions of the Untouchability (Offences) Act, 1955 and it is the duty of all civil servants to help

them in the enforcement of the Act and in creating the necessary climate to remove untouchability from the minds of the orthodox sections of the community.

2. Legal aid should be given to members of scheduled castes who prosecute cases under the Untouchability (Offences) Act.
3. Good work for removal of untouchability by officials and non-officials should be suitably rewarded.
4. Segregation in residential localities should be avoided. For instance, if a Harijan basti is cleared for town improvement, instead of selling the plots by auction or at a high price, which the Harijans cannot afford, irrespective of considerations of income, house sites should be allotted to the Harijans in the same area.
5. Mixed hostels should be encouraged. The reservation in Government and Government aided hostels for scheduled castes should be enforced strictly.
6. State Governments might consider the appointment of a committee to evaluate the progress in the removal of untouchability.
7. District planning committees or similar district committees and the Zila Parishads should be charged with the task of reviewing enforcement of the Untouchability (Offences) Act and complaints of slackness or indifference in its enforcement should be brought before these bodies.

In pursuance of the Board's recommendation for the production of films with stories stressing equality of man, the Ministry of Information and Broadcasting has been producing documentary films on the subject of removal of untouchability where the caste *motif* is played down.

The Board has made a grievance of inequitable distribution among different scheduled castes of the benefits accruing from different measures undertaken for their welfare. This disclosure coming, as it does, from a body which is rightly considered to be representative of the Harijan interests, calls for efforts, political as well as administrative to shuffle these benefits equally among the various sections of the scheduled caste community. The members have, therefore, pressed for preferential treatment in educational facilities and other benefits for the more backward sections of them. It has been complained that the more backward communities have not been

able to secure adequate representation in legislatures and local bodies. This is quite a ticklish problem, as the Constitution does not provide for separate representation to any sub-classes of scheduled castes. The Harijans and the social workers should themselves devise means to secure that the privileges in question are in practice extended even to the most backward of the scheduled castes. At present these more backward sections do not get their due share, but the apportionment of special concessions and privileges between the scheduled castes themselves, particularly in matters like representation, should be decided by agreement amongst the Harijans themselves. The political parties may also help in the reduction of this disparity in respect of sectional representation by selecting, for purposes of election, their nominees from those sections of the scheduled caste community which so far have not had the advantage of adequate representation. As regards the demand for preference and priority in educational and other facilities to these relatively neglected classes, concrete steps must be devised. The *Third Five Year Plan* (Draft Outline) has drawn pointed attention to this aspect by emphasising: "The stage has been reached when, among the scheduled castes themselves, those who are less well-off or suffer from greater handicaps should be assured of a larger measure of assistance."<sup>8</sup> Indeed, Bihar and some other States have already adopted measures to give preference in educational and other facilities to the more backward sections of the scheduled caste community, and others should follow suit.

The activities of the Central Advisory Board for Harijan Welfare over the years are evidence of the two-way traffic maintained by interpreting the Government to the scheduled castes and the latter to the Government, and, in the process, both have tended to come closer together. However, the welfare of the scheduled castes being, in main, the direct responsibility of the States, the Central Government can only make a request to the latter for implementation of the measures for their uplift and had, therefore, a much limited effectiveness in this field.

## 2. CENTRAL ADVISORY BOARD FOR TRIBAL WELFARE

The Central Advisory Board for Tribal Welfare was set up by the

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<sup>8</sup> *Third Five Year Plan: A Draft Outline*, New Delhi, Planning Commission, 1960, p. 126.

Central Government, apparently at the initiative of the former Home Minister, Govind Ballabh Pant,<sup>9</sup> "in order to associate Members of Parliament and other public workers interested in the welfare of scheduled tribes, with matters pertaining to the development of tribal areas and the well-being of tribal people".<sup>10</sup> The formal association of non-official elements highlights the vital importance of public cooperation in addition to government efforts in solving the problems relating to the amelioration of the conditions of backward communities. The Board generally advises the Central Government on all matters relating to the development of tribal areas and the welfare of tribal people; and in particular does so in regard to the following:

- (a) assessment of the requirements of tribal people in scheduled and other tribal areas;
- (b) formulation of welfare schemes for those areas; and
- (c) review from time to time of the working of sanctioned schemes and appraisal and evaluation of the benefits derived therefrom with a view to suggesting improvements or changes in the schemes, where necessary.<sup>11</sup>

The Board consists of twenty-four members including fifteen Members of Parliament, and all of them are nominated by the Home Minister who is the Chairman of the Board. In his absence, however, the Minister of State in the Home Ministry presides over the meetings. So far only once has the Minister of State presided over the meeting whereas the Home Minister has always, except once, been present. Originally the tenure of the members was one year which was subsequently increased to two years in view of the general complaint that the one-year tenure was too short to enable the members to have adequate acquaintance with the work. The composition of the Board reveals an inclination on the part of the Government to nominate persons who either belong to the scheduled tribes or areas, or are social workers actively interested in their welfare. Further, it is not uncommon to find some of the important associations, engaged in promoting the welfare of the tribal people, granted representation on the Board. The Bhartiya Adimjati Sevak Sangh, the Vanvasi Sewa

<sup>9</sup> *Report of the Commissioner for Scheduled Castes and Scheduled Tribes* for the year 1956-57 Delhi, Manager of Publications, 1957, p. 6.

<sup>10</sup> *Resolution No. 19/118/55-Pub. II*, dated 3 September 1956, Ministry of Home Affairs.

<sup>11</sup> *Resolution No. 13/10/58-SCT. III*, dated 9 March 1959, Ministry of Home Affairs.

Mandal, and the Adivasi Shikshan Prasarak Mandal are such associations, although the first one is reckoned more important and has always had representation on the Board. The obvious advantage of this system of representation is that the Government can always lay under contribution the accumulated knowledge and experience of these voluntary organisations already engaged in these tasks. The Board has fixed membership of twenty-four, but the actual attendance at the meetings has been much less, as is evident from the following table:<sup>12</sup>

MEETINGS	NUMBER OF THOSE WHO ATTENDED
November 1956	12
October 1957	15
September 1958	18
April 1959	12
December 1959	15
July 1960	17
April 1961	13

This attendance is hardly encouraging, and betokens lack of interest on the part of many members in the work of the Board.

The Board tenders advice which may be of use to the Government in making assessments of the needs of the scheduled tribes, and in formulating policies to tackle their problems on sound lines. These recommendations are circulated by the Home Ministry amongst the State Governments (including Union Administrations), which have the option of accepting or rejecting them. To make the deliberations of this body effective, the latter should consider these recommendations promptly and intimate their decisions to the Home Ministry before subsequent meetings of the Board take place. Besides, the State Governments should also coopt members of this Board as members of the State Tribal Welfare Committees. These should be set up where such committees are not in existence.

The members of the Board take upon themselves the responsibility of pointing out the difficulties and handicaps of the tribal people and suggesting possible remedies by making suitable recommendations, based upon their perceptions and experience. The members even cite specific complaints and bring them to the notice of the Government. In the beginning the local problems were also brought before the meetings of the Board, but this is discouraged now and the members

<sup>12</sup> These figures have been collected from the Ministry of Home Affairs.

are advised to take up such matters individually with the State Government, and, if necessary, with the Home Ministry. The Board being advisory, it is up to the Government to accept these recommendations or not, although, broadly speaking, many of them have gained governmental acceptance. This is natural enough in view of the community of interests, for the Government and the members both share the common determination to bring about a change in the life of the tribal people. It would be appropriate at this place to examine the major recommendations made by the Board till 1961:

1. It has been generally complained that funds lapse due to the non-implementation of certain schemes in the year in which the grants are sanctioned. In order to avoid such lapses, the State Governments have been since then allowed a fixed ceiling of expenditure even in anticipation of the formal approval of the schemes by the Government of India.
2. Forest cooperative societies should be organised in the tribal areas on the Bombay pattern wherever feasible.<sup>13</sup>
3. All 'Adivasi' debts which are of less than three years' duration should be paid up after allowing interest at a minimum rate but not exceeding 6 per cent. Necessary help to Adivasis in this regard should be given through the cooperative societies to be organised for this purpose.<sup>14</sup>
4. Arrangements for giving legal assistance to scheduled tribes should be made in every State.<sup>15</sup>
5. In irrigation works the rule of charging  $4\frac{1}{2}$  per cent tax should not be strictly enforced in the case of Adivasis. It should be relaxed wherever necessary.<sup>16</sup>
6. To obviate the difficulty of getting trained workers for tribal areas some suitable allowance, which may differ from area to area, deserves consideration. Work in the tribal areas is suffering because any one who is posted there takes it as punishment on account of the difficult living as well as working conditions.<sup>17</sup>

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<sup>13</sup> *Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1957-58, Part II, Appendix II, p. 12.*

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

7. An administrative unit comprising a Tehsil or above which contains 50 per cent tribal population may be declared a Scheduled Area.<sup>18</sup>
8. Efforts should be made to introduce Amber Charkhas among Adivasis wherever feasible. They may also be given training in cottage industries.<sup>19</sup>
9. The condition of 'shramdan' should be relaxed in the case of Adivasis wherever it is necessary.<sup>20</sup>
10. Though seats in technical training institutions are reserved for tribals and scheduled castes combined, most of the seats are taken away by scheduled castes. Separate reservation for tribals has been recommended.
11. Non-tribals should not be given licences to sell liquor in tribal areas, as they are likely to exploit the members of the scheduled tribes. The liquor shops in areas inhabited by the tribals should be run not by private contractors but by employees in Government-run or Government-controlled shops, who are not interested in profit-making or in inducing the tribals to become addicted to strong drinks.
12. Service cooperatives should be organised for the benefit of shifting cultivators on an extensive scale.
13. Tribes which are numerically very small and which are fading away, deserve special study and attention.
14. Rail communications in tribal areas should be improved.
15. The Board and the Home Ministry should keep in touch with information regarding programmes of tribal welfare in foreign countries.

The recommendations of the Board generally receive favourable consideration at the hands of the Government, and are, acted upon. It is, however, well to recall here that some of the demands made at the meetings are regarded as rather impracticable—the demand for the appointment of a scheduled tribe member in the Public Service Commission is an instance in point. The Public Service Commissions do safeguard the interest of tribal candidates while recruiting personnel

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<sup>18</sup> Report of the Commissioner for Scheduled Castes and Scheduled Tribes, *op. cit.*

<sup>19</sup> Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1958-59, Part II, Appendix III, p. 23.

<sup>20</sup> *Ibid.*



appointment to posts, and what, therefore, is needed is an improvement in the educational level of the tribals before they can compete satisfactorily with others. The demand for reservation in public services has not met with approval. It is rightly believed that much as one would like the tribal candidates to be recruited in larger numbers, a person should be competent for the job for which he is recruited. In the case of tribal candidates, however, those who do not appear high up in the result sheet but are still considered capable of performing the normal duties attached to the posts, are recruited to the extent there are reserved seats available. This, then, is the kind of protection that has already been extended to the tribal candidates.

Notwithstanding the rejection of some of its recommendations, the Board has appeared, on the whole, to be effective as an advisory committee. On certain matters it has set up sub-committees to undertake detailed investigations and, thus, enhance its effectiveness. Of these the more important have been the Nomadic Tribes Sub-committee, and the Elwin Committee.

The deliberations of the Board have revealed an uneven distribution of benefits under the various welfare programmes amongst the different scheduled tribes. As a result, the Commissioner for Scheduled Castes and Scheduled Tribes has now prepared a list of the scheduled tribes according to their degree of primitiveness and has suggested how more emphasis could be given to the more backward of them in the welfare programmes. The Government has also agreed that if any scheduled tribe or sub-tribe has not received benefits in the past, care should be taken to ensure that an equitable share of benefits is extended to it. The same policy should apply to scheduled tribes inhabiting remote and inaccessible tracts. The members of the Board, who have personal knowledge about such tribes, sub-tribes or areas, have also been advised to bring the fact to the notice of the State Departments in charge of tribal welfare and also of the Home Ministry.

Attention may here be drawn to another aspect of the Board's activities. To prevent the scheduled castes from appropriating to themselves the lion's share of the benefits made available by the Government, the Board has exerted itself to see that a parity is maintained in regard to the distribution of the Government's bounties. The members have been alarmed at the way the interests of the scheduled

tribes have been swamped by an almost exclusive attention given to the welfare of the scheduled castes, and have called for measures to rectify this imbalance. It was pointed out that though twenty per cent of the seats in technical institutions were reserved for tribals and scheduled castes, most of the seats were taken away by the latter partly because of their numerical strength and partly also because of the inability of the tribal students to secure the requisite marks. A plea was, therefore, made for separate reservation for the scheduled tribes. The Government has conceded this demand, and has now made arrangements for separate reservation for scheduled tribes on population basis. In case, however, the requisite number of tribals are not available to fill the seats reserved for them, the surplus seats could be made over to the scheduled castes. The Board for Tribal Welfare has, thus, set itself the task of restoring and maintaining equilibrium between the two special beneficiaries under the Constitution—the scheduled castes, and the scheduled tribes—by claiming for the latter their due share of the benefits. Also, it has been showing keen concern for an equitable distribution of these benefits amongst all the tribes.

One of the most outstanding achievements of the Board has been its success in the protection and preservation of tribal lands. For the maintenance of the serenity of tribal life, it is essential that no 'outsider' be permitted to possess their lands or forests. Yet, in practice it has happened that there has been a slow, albeit a gradual, erosion of the tribal lands by the more enterprising non-tribal intruders in those areas. The members, in consequence, have demanded that the tribal land must not be made transferable, and in no case should a non-tribal be allowed to acquire it. Indeed, Maharashtra and Gujarat have already extended protection to the tribals as in these States transfer of land from a tribal to a tribal can be made only with the permission of the District Collector while transfer to a non-tribal stands completely prohibited. The Board insisted upon the extension of this practice to the remaining States. The Government has accepted this advice, observing that:

- (i) the tribals, who have reclaimed land, should not be deprived of it;
- (ii) If the records had not been correctly prepared or had not been prepared at all, the deficiency should be made up, *i.e.*,

the names of the tribals should be entered in the revenue records. The tribals should have permanent rights and should not be liable to ejection;

- (iii) If the tribals wanted to transfer land, the law should not allow them to make such transfers except with the permission of the District Collector and that too only to a tribal and not to a non-tribal.

### 3. NATIONAL RAILWAY USERS' CONSULTATIVE COUNCIL

The Ministry of Railways, or to use its other nomenclature, the Railway Board, first formed in 1905 under the Indian Railway Act, 1905 for controlling the administration of railways in India,<sup>21</sup> is in charge of the regulation, construction, maintenance, and operation of railways. Besides being comparatively cheap and available throughout India, the railways play a vital role in the economic life of the country—"in the development of backward area, in the avoidance of famine conditions by transport of food grains from the surplus areas to the deficit areas, in the defence of the country by movement of troops and stores and in the carriage of imports from all important parts to the hinterland."<sup>22</sup> In this undertaking, as in other kindred enterprises of a commercial nature, the consumers' interests certainly deserve to be taken into account and duly protected. The railways, in other words, must be seized of the needs and requirements of the users. It is, therefore, essential that adequate institutional arrangements must be devised to keep the railway administration in close and continuous touch with the public opinion in regard to the working of the railways. Yet, such arrangements could emerge quite late in the history of Indian railways. It was in the twenties of the present century that attempt at providing such an opportunity was first made, though, to be sure, such improvised arrangement did not go far enough to meet the consumers' demands. The total absence of any such arrangement even provoked sharp comments from the Acworth Committee which observed: "No scheme of reform can attain its purpose of fitting the railways to the needs of the Indian public unless the people have

<sup>21</sup> *Descriptive Memoir of the Ministry of Railways*, Organisation and Methods Division, Cabinet Secretariat, April 1956. p. 1.

<sup>22</sup> *Ibid.*, p. 1.

an adequate voice in the matter.”<sup>23</sup> The Government of India took nearly two years to implement this recommendation. To a question on the constitution of Central and Local Advisory Councils, asked in the Legislative Assembly early in 1922, Col. W. D. Waghorn, the Member for Railways, replied: “The Railway Board are already in correspondence with local governments and Railway administrations in regard to the establishment of Local Advisory Councils. The Government of India hope to be able to make shortly an announcement regarding a Central Advisory Council....”<sup>24</sup> The Central Advisory Council was eventually set up in March 1922, “though not quite on the lines proposed by the Committee”.<sup>25</sup> This Council consisted of twenty-five members. The Member for Communications and Railway was the *ex-officio* chairman of the Council, while the other twenty-four members included the eleven members of the Standing Finance Committee, one further nominated official member and six from each chamber of the legislature. This Council ceased to exist in 1952 in consequence of a Cabinet decision abolishing all Standing Committees of Parliament.

The Minister for Railways, while presenting the Railway Budget for 1953-54 to the Lok Sabha, envisaged, instead, a three-tier pattern of committees to advise the Ministry of Railways at different levels. He said:

“From some time now, Government have been considering the revision of the Constitution of the existing Local Advisory Committees, in the context of re-grouping of railways in larger units and with a view to securing better representation of railway users. It has also been felt that more frequent opportunities should be afforded for closer consultation between railway users and the Railway Administrations at different levels on matters relating to the service provided by railways and improving the efficiency of such service. To secure these objects, it has been decided to establish, in place of the existing advisory Committees: (1) Railway Users’ Consultative Committee at the regional or divisional levels; (2) a Zonal Railway Users’ Consultative Committee

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<sup>23</sup> *Report of the Acworth Committee*, 1920, para 139.

<sup>24</sup> *Legislative Assembly Debates*, Vol. II, Part II, 1922, p. 2163.

<sup>25</sup> Col. W. D. Waghorn’s Reply to a Question. *Legislative Assembly Debates*, Vol. III, Part I, 1922, pp. 576-77.

at the headquarters of each Railway; and (3) a National Railway Users' Consultative Council at the Centre. The Railway Users' Consultative Committees in the regions or divisions will represent the local users in the territories served by the Railway including agricultural interests. This new addition, I am sure, will prove fruitful as it would give wider representation to different sections and various interests. The National Railway Users' Consultative Council at the Centre will deal with matters of all-India importance relating to the services and facilities provided by the railways, and the zonal committee would naturally deal with the same matters in regard to that zone only. All the Committees and the National Council to be established will be consultative in character. Arrangements for implementing these proposals are already in hand and the new bodies will, I expect, be set up soon."<sup>26</sup>

It was in pursuance of this announcement that the National Railway Users' Consultative Council (NRUCC) was set up in 1953. In some respects it replaced the former Central Advisory Council, which was a Standing Committee of Parliament. The NRUCC is, however, more representative in its character than the earlier Central Advisory Council, inasmuch as it includes representatives of the various trade interests and other rail users in addition to the Members of Parliament. The Council held its inaugural meeting on 27 October 1953, at which the Minister for Railways expressed the hope that "the National (Railways Users' Consultative) Council at the Centre, as also the Zonal and Regional Consultative Committees will become forums for informed and constructive criticism of railway working and...in their reconstituted pattern, they will become instruments of goodwill and understanding between the Government agency providing rail transport in the country, on the one hand, and those having to use it on the other".<sup>27</sup> He, further, assured that "the advice tendered by the Council will naturally command utmost consideration from the Government".<sup>28</sup>

The NRUCC has been set up with the object of "securing better

<sup>26</sup> *Railway Budget (Part I) for 1953-54*, Delhi, Manager of Publications, 1954, para 33, p. 8.

<sup>27</sup> *Vide Summary of Proceedings of the First Meeting of the National Railway Users' Consultative Council*, Vol. 1, No. 1.

<sup>28</sup> *Ibid.*

representation of railway users and affording more frequent opportunities for consultation between Railway Administration and users on matters relating to the service provided by railways and means of improving the efficiency of such service".<sup>29</sup> This Council is but a part of the three-tier consultative structure, brought into being in 1953:

- (i) National Railway Users' Consultative Council at the centre;
- (ii) Zonal Railway Users' Consultative Committees, eight in number, one for each Zone; and
- (iii) Railway Users' Consultative Committees at the regional or divisional levels.

#### COMPOSITION

The NRUCC consists of members appointed by the Minister for Railways, as listed below:

1. Secretaries of each of the following ministries of the Government of India:
  - (a) Food and Agriculture,
  - (b) Commerce and Industry,
  - (c) Transport and Communications (Department of Transport),
  - (d) Mines and Fuels, and
  - (e) Steel and Heavy Industries;
2. Chairman and Members of Railway Board;
3. Eighteen Members<sup>30</sup> of Parliament, twelve of whom being from the Lok Sabha and six from the Rajya Sabha;
4. A representative of each of the Zonal Railway Users' Consultative Committee, not being an official, to be elected by the respective Zonal Railway Users' Consultative Committees;
5. Persons appointed to represent coal, iron and steel, jute, cotton, sugar, cement, and salt industries;
6. One each from the Federation of Indian Chambers of Commerce and Industry, the Associated Chambers of Commerce, and the All India Manufacturers' Organisation;

<sup>29</sup> Preamble to the Resolution announcing the formation of the National Railway Users' Consultative Council, and other consultative committees.

<sup>30</sup> The number may, however, be varied at the Minister's discretion.

7. One to represent agricultural interests; and
8. Such other members as the Minister may appoint to represent interests which he considers are necessary to be represented on the Council.

The size of the Council inevitably varies from time to time under such flexible provisions. In point of fact, the number of members (including the officials) nominated to it has been increasing at each successive reconstitution,<sup>31</sup> as is borne out by the following table. The upward trend in the increase of the number of members has been arrested only recently, when the Council was reconstituted for the term 1962-64:

PERIOD	TOTAL NUMBER OF MEMBERS (INCLUDING OFFICIALS)	TOTAL NUMBER OF NON-OFFICIALS
1953-54	42	33
1955	43	33
1956	45	35
1957	51	41
1958-60	55	45
1960-62	56	46
1962-64	52	42

It has been said in the preceding paragraph that the members are appointed to the Council by the Minister for Railways. In practice, he has the freedom to nominate only under the last two categories, namely (7) and (8). The Members of Parliament are selected by the Minister for Parliamentary Affairs who submits a list of names of Members drawn from both the Houses of Parliament. As a rule, this list is accepted by the Minister. Similarly, under category (5), the names are invited from the Central Ministry dealing with the particular industry, and, again as a rule, accepted by the Minister.<sup>32</sup> Further, from 1955 the chosen representatives of the various non-official organisations in category (6) are appointed to the Council, giving up the earlier practice of inviting a panel of names and making final selection therefrom.<sup>33</sup> The Minister has, thus, his freedom substantially reduced in matters of nomination. He can have his choice only in appointing persons to represent agricultural and 'special' interests referred to in the last two categories.

<sup>31</sup> The Council has so far been reconstituted seven times.

<sup>32</sup> This information is derived from Appendix VIII, Annexure No. 31, *Lok Sabha Debates*, Second Series, Seventh Session, 1959, Col. 1693-94.

<sup>33</sup> Vide *Summary of Proceedings of the Third Meeting of the National Railway Users' Consultative Council*, Vol. III, No. 1, p. 2.

The nature of membership of the NRUCC is indicative of the functional basis of representation of rail users, such as chambers of commerce, trade associations, agricultural associations, industries, Federation of Indian Chambers of Commerce and Industry, Associated Chambers of Commerce, All Indian Manufacturers' Organisation, Ministries of the Government of India, Members of Parliament, etc. Apart from the provision of representation on a functional basis as indicated above, arrangement also exists for the nomination of "such other members as the Minister may appoint to represent interests which he considers are necessary to be represented on the Council".

The non-official membership of the Council, as indicated earlier, has ranged between thirty-three and forty-six. The members, who actually attended the meetings, however, constituted 51 to 80 per cent of the total non-official membership. The following table indicates the attendance of non-official members:<sup>34</sup>

SL. NO. OF MEETING	DATES ON WHICH HELD	TOTAL NUMBER OF NON-OFFICIAL MEMBERS	ATTENDANCE
1	27 and 28 October 1953	33	20
2	19 and 20 July 1954	33	24
3	11 and 12 February 1955	33	17
4	24 and 25 September 1955	33	19
5	20 and 21 July 1956	35	26
6	10 and 11 January 1957	41	23
7	20 and 21 September 1957	41	33
8	19 and 20 September 1958	45	35
9	24 and 25 April 1959	45	36
10	27 and 28 November 1959	45	29
11	19 and 20 April 1960	46	33
12	16 and 17 December 1960	46	32
13	18 and 19 August 1961	46	33
14	28 and 29 March 1962	46	35

Among the members of this Council are also the Members of Parliament, usually eighteen in number, twelve of whom being from the Lok Sabha and six from the Rajya Sabha. The rules governing the membership, however, provide for variation in this number purely at the Minister's discretion. And, in practice, at least on three occasions their number has been upwards of this figure. During 1957-62, 21/22 Members of Parliament were, thus, nominated to this

<sup>34</sup> The fifteenth meeting, due to be held in December 1962, was, however, cancelled in view of the national emergency created as the result of the Chinese aggression on India.



body. The Members of Parliament not only form the largest single bloc in the NRUCC, but also constitute roughly half of the total non-official membership. This is sufficient indication of their importance in this Council. That the Council is primarily the forum for Members of Parliament is also confirmed by the fact that the Ministry of Railways, unlike, other Ministries, does not have the Informal Consultative Committee at the national level. The Council has been designed to do office for the latter committee. Historically, the present Council has been evolved from the Central Advisory Council which used to be their exclusive forum. This historical background also adds to the importance of the parliamentary element in the NRUCC. That the Council holds its meetings in the Parliament House, and, what is more, during the sessions of Parliament, makes it a forum principally of the Members of Parliament. As mentioned earlier, the Members of Parliament are, in practice, nominated by the Minister for Parliamentary Affairs. Formerly, they were appointed for one year which has now been extended to a two-year term. The Members are eligible for re-appointment, but it has been noticed that a Member does not continue for more than two consecutive terms. This two-term convention is not wholly undesirable, provided it does not restrict the new Members' entry into the reconstituted Council. In other words, renomination, one feels, should not take place on a large scale. This warning seems necessary, as there has been sometimes an improper use of this provision. Thus, almost all the Members who sat on this Council during 1957-58 were re-nominated for the term 1958-59, introducing only one new face in the reconstituted Council for 1958-59. This does not appear to be in full consonance with the spirit of re-nomination. Another factor taken into account while making nomination to this body is the geographical distribution of membership. In deference to this principle there was, during 1957-60, a Member of Parliament from the State of Jammu & Kashmir. The presence of a Member of Parliament belonging to that State had a symbolic rather than any real significance. For, that State is yet to acquire a railway system which could justify nomination of a Member of Parliament from that State to this Council which represents the interests of the rail users.

An analysis of the political affiliations of Members of Parliament nominated to this Council since its formation in 1953 reveals a preponderance of the ruling party's nominees. Until 1962 the NRUCC has

been reconstituted six times. The party-wise break-up of the Members of Parliament on each reconstitution is as follows:

SL No.	YEAR	TOTAL No. OF M.Ps.	CONGRESS	P.S.P.	G.P.I.	JHARKHAND	TAMILNAD TOILERS' PARTY	IND.	OTHER
1	1954	18	16	1	—	1	—	—	—
2	1955	18	14	2	1	—	1	—	—
3	1956-57	18	14	1	1	—	—	2	—
4	1957-58	21	17	—	—	—	—	3	1 (Jammu & Kashmir)
5	1958-60	22	17	—	1	—	—	3	1
6	1960-62	22	19	—	1	—	—	2	—

The latest reconstitution seems, however, to redress this imbalance. The present party-wise break-up is as follows:

N R U C C  
RECONSTITUTED FOR THE TERM 1962-64

Congress	10
P.S.P.	1
C.P.I.	1
Swatantra	1
Peasants' & Workers' Party	1
Jan Sangh	1
Independent	2
From Jammu & Kashmir	1
Total	18

Apart from constituting the largest single bloc in the Council, the Members of Parliament being the accredited representatives of the people, can effectively promote the rail users' interests by their deliberations and suggestions. Yet, many of them, abstain themselves from the meetings, and do not, therefore, seem to evince much interest in the functioning of the Council. Their absence is all the more inexcusable as the Council holds its meetings during the session of the Parliament.

A random check-up of eight meetings shows their attendance as follows:

MEETING HELD ON	TOTAL NO. OF M.Ps.	ACTUALLY PRESENT
24 and 25 September 1955	18	12
20 and 21 July 1956	18	14
10 and 11 January 1957	18	11
19 and 20 September 1958	22	15
27 and 28 November 1959	22	11
19 and 20 April 1960	22	15
18 and 19 August 1961	22	10

The NRUCC meets twice a year, each meeting continuing for two days. The Minister for Railways is the chairman, and in his absence, the Deputy Minister for Railways presides at the meetings. Moreover, the Minister for Parliamentary Affairs has also been present in several meetings apparently on special invitation.

**FUNCTIONS :** The National Railway Users' Consultative Council considers:

- (i) such matters relating to the services and facilities provided by railways as may be referred to it for consideration by the Minister;
- (ii) such matters being within the scope of the functions of the Zonal Committee<sup>35</sup> as are referred to it for consideration, by such Committees; and
- (iii) such other matters relating to the services and facilities on railways which individual members of the Council may, with the approval of the chairman, desire should be included in the agenda.

The Council is, thus, concerned with the broad principles of policy and administration, and is precluded from deliberating on issues relating to staff, discipline, appointments, etc. The agenda for the

<sup>35</sup> The Zonal Railway Users' Consultative Committee at the headquarters of each railway represents the general railway users of the territory or zone served by the railway as a whole, and considers :

- (i) such matters, from the point of view of the zone as a whole, as are referred to it...
- (ii) matters arising from the reports of the Regional/Divisional Committees, or such other matters relating to the subjects referred to it..., as may be specifically forwarded by the Regional/Divisional Committees for consideration; and
- (iii) matters referred for consideration and report by the Administration, Ministry of Railways or the National Railway Users' Consultative Council.

meeting of the Council is prepared by the secretary to the Council, who is a senior official, viz., the Joint Director, Traffic (General), Railway Board. The agenda consists of : (i) items proposed by the Railway Board, and (ii) items proposed by the non-official members. As is to be expected, bulk of the agenda comprises items suggested by the non-official members. And, among this group, the Members of Parliament, curiously enough, do not display much keenness or any marked interest in proposing items for discussion in the meetings. In the fourteenth meeting of the Council, held in March 1962,<sup>36</sup> there was not a single proposal emanating from the Members of Parliament. They, however, fared fairly well in the thirteenth meeting, held in August 1961, the agenda for which included ten items from the Members of Parliament as against a total of 42. It appears that the members representing the Zonal Railway Users' Consultative Committees, and 'special interests'<sup>37</sup> are more enthusiastic in making proposals for discussion. Also, quite often some of the members returned from the Zonal Consultative Committees are representatives of the passengers' associations. They have been, on the whole, an active and virile element in the functioning of the Council.

The number of items normally received for inclusion in the agenda of a particular meeting is considerable, ranging between 150 and 300. Many of these items are, however, eliminated on the ground that they do not fall within the purview of the Council's terms of reference. Many items having a bearing on one common issue are grouped together, thereby appreciably condensing what would otherwise be an unwieldy agenda. The number of items discussed at a meeting of the Council normally fluctuates between 15 and 50. For the sake of convenience and continuity of discussion, the agenda is classified under some suitable sub-heads, such as:

1. Review of the Operating Position;
2. Manufacture of Rolling Stock;
3. Railway Users' Amenities;
4. Claims for Compensation;
5. Catering; and

<sup>36</sup> This completely passive attitude was due, in the main, to the lately held General Election. But the elections could affect the Members of the Lok Sabha only. Even the 'elders' did not evince any interest in making suggestions for discussion.

<sup>37</sup> There has been a practice to provide representation to some passengers' association under 'special interests'.

## 6. Other subjects.

A glance at the agenda of a meeting may perhaps help in a better understanding of the nature of work in which the Council has been engaged. It is with this object that the agenda<sup>38</sup> of the thirteenth meeting held in August 1961 is being reproduced below:

## AGENDA

- I. Review of the operating position
- II. Manufacture of rolling stock
  1. Augmenting indigenous manufacture of wagons.
  2. Manufacture of 55 ton bogie wagons for transport of coal.
- III. Railway Users' Amenities
  1. Provision of raised platforms at stations.
  2. Provision of waiting room facility at city booking offices.
  3. More adequate arrangements for drinking water at stations.
  4. Inadequate number of watermen to serve water to passengers in trains.
  5. Train bogies often stand outside platform.
  6. Better drinking water facilities on important stations.
  7. Use of indigenously manufactured water coolers.
  8. Setting apart quotas in air-conditioned, Class I and Class III sleeper coaches for important intermediate stations.
  9. Provision of direct telephone links between city/branch booking offices and central booking office.
  10. Provision of platform clocks at important stations.
  11. Improvements effected in train services such as introduction of additional trains, extension of existing trains, etc.
  12. Provision of fittings in train compartments.
  13. Maintenance of coaching stock.
  14. Introduction of Indian style latrines in Class I compartments.
  15. Cleanliness of reading lights in Class I compartments.
  16. Provision of showerbaths in Class I compartments with pull chains.
  17. Provision of switches for lights in Class II compartments.

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<sup>38</sup> Vide *Summary of Proceedings of the Thirteenth Meeting of the National Railway Users' Consultative Council*, pp. iii-iv. It may be pointed out that some of the items have been omitted here.

18. Conversion of passenger coaches with outside doors into inside opening ones.
  19. Electrifications of railway stations.
- IV. Claims for Compensation
1. Need for expeditious settlement of claims.
  2. Prompt attention to claims due to shortages, pilferages, etc.
- V. Catering
1. Need for improvement in the quality of food and service in departmental catering establishments.
  2. Use of standard tea leaves/powder to ensure uniform quality at all stations.
  3. Exhibition of railway picture posters in the refreshment rooms.
  4. Supply of uniforms of light grey colour to waiters on running trains.
  5. Distinctive badges or uniforms for bearers to indicate vegetarian/non-vegetarian food.
  6. Affixing of photos of vendors in their medical certificates.
- VI. Other Subjects
1. Extension of pilot to pilot system of charging demurrage.
  2. Waiver of demurrage charges due to late running of pilots.
  3. Enhancement of minimum weight limits for booking of goods by passenger trains and goods trains.
  4. Simplification of procedure for students' concession tickets.
  5. Railway authorities maintaining list of books, periodicals, etc., sold at book stalls.
  6. Licensed porters at stations—fixed uniforms for licensed porters and their recruitment through Employment Exchange.

Thus, the Council has been discussing matters such as the operating position, passenger amenities, claims-position, catering, ticketless travel, railway concessions, reduction in free time for loading and unloading on holidays, opening of railway out-agencies, reservation of third-class seats, issue of return tickets, state of lavatories in train compartments, scripts and regional languages to be used for station name boards, indications, time-tables and tickets, placing trained railway staff on duty as 'passenger guides', beggar nuisance at railway stations and on trains, policy followed by the Railway Board in regard to catering and vending contracts for book stalls, etc. Mostly, however,

the members exhibit strictly localised interests and engage themselves in airing local grievances only. This is well illustrated by a study of the proceedings of the Council. Below are quoted a few excerpts<sup>39</sup> from the summary of proceedings of the fourteenth meeting of the Council held in March 1962:

"It was suggested that rules might be framed to impose a fine on those who spit on Railway platforms and in trains."

"A member complained of the absence of adequate lighting at Balugaon Railway station on South Eastern Railway."

"A member wanted the names of National Railway Users' Consultative Council members to be printed in the All India Time Table."

"A member wanted Delhi station to be reconstructed, in accordance with the needs of the present day."

"A member wanted the provision of sleeping accommodation in second class."

"It was complained that some of the reservation charts displayed at stations were fixed so high that it was difficult to read them. Their height might, therefore, be suitably adjusted. It was also suggested that the position of the compartments in the bogies and the position of the bogies on the train, should also be indicated on these charts."

"A member wanted curtains to be provided in the retiring rooms at Nagpur."

"Modernisation of furniture in retiring rooms and waiting rooms was suggested."

"It was complained that there were no racks for placing luggage in the waiting rooms at Lucknow, with the result that the floor was damaged."

"It was complained that the retiring room at Cuttack was too small."

"A member welcomed the appointment of lady social workers at important stations to help women passengers during rush hours, and referred to the assistance given by her organisation in this regard in Bombay."

In practice, the (non-official) members of the Council have also been

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<sup>39</sup> These excerpts have been selected at random from the *Summary of the Proceedings of the Fourteenth Meeting of the National Railway Users' Council*, Vol. XI, No. 1, pp. 1-22.

entrusted with some other activities such as inspection of the catering and vending establishments at stations and on railway trains.<sup>40</sup> Similarly, the (non-official) members have been authorised to call upon any station-master or ticket examiner to check the tickets of passengers in their presence. This arrangement has been commended by the Railway Corruption Enquiry Committee which observed: "With a view to securing greater cooperation from the members of the public in tackling this problem (of ticketless travel), orders have been issued by the Railway Board authorising the members of the National Railway Users' Consultative Council to have surprise checks by the ticket checking staff in their presence. This is a step in the right direction and we would further recommend that every member who is so authorised must make it a point to have one surprise check in his presence at least every three months. A brief report, indicating the result of such a check, should be made by the member concerned and submitted to the Council. Careful scrutiny of these reports might suggest further measures for tackling this problem and these may be pursued with vigour."<sup>41</sup>

The Council has been, on the whole, concerned with what we may regard as the secondary problems confronted by the rail users. There is a suspicion that it has been often mistaking wood for the trees, and there is no sufficient indication that it is interested in coming to grips with the more pressing problems such as harassment of illiterate passengers, prevalence of ticketless travel, public complaints, pilferage, molestation of lady passengers, prevalence of graft in railways, etc. In fact, the Council was reprimanded by the Railway Corruption Enquiry Committee, for not paying adequate attention to the need for combating corruption in the Railways. It remarked: "Railways have at present Regional, Zonal, and National Consultative Committees to associate public opinion with their working. However, evidence before us indicates that these Committees are (of) a formal character and not much useful purpose is served by them in regard to eradication of corruption. We feel that these Committees should play a more positive role for the eradication of corruption."<sup>42</sup> The

<sup>40</sup> *Summary of Proceedings of the Tenth Meeting of the National Railway Users' Consultative Council*, Vol. VII, No. II, p. 70.

<sup>41</sup> *Report of the Railway Corruption Enquiry Committee, 1953-55*, Government of India, Ministry of Railways, Delhi, Manager of Publications, 1961, pp. 35-36.

<sup>42</sup> *Report*, p. 118.



Council may perhaps grow into a more effective body if the base of its functioning is suitably broadened. In other words, its terms of reference should not be so restrictive as they are at present. Indeed, the right course would be, as the Railway Corruption Enquiry Committee took care to emphasize that "normally, barring the questions of individual Railway employees such as their appointments, emoluments, promotions, transfers and punishments, practically all matters of public interest connected with Railway should be allowed to be tabled for discussion."<sup>43</sup>

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<sup>43</sup> *Report*, p. 119.

## 8

# Expert Committees

THE term 'advisory committees' conjures an image of democracy in our minds. In this context it may appear to be somewhat surprising that a considerable number of advisory committees are not composed of the representatives of various interest-groups, and, thus, do not necessarily possess the distinctive complexion of democracy. Of the total number of advisory committees in India, about seventeen per cent are composed, either exclusively or predominantly, of experts, *i.e.*, persons of specialised qualifications, training and experiences. These are 'expert committees', and can, in no way, be construed as a macrocosm of democracy. On still more committees the experts find partial representation and sit along with the representatives of different interest-groups. With the continued progress of science and technology, there is a likelihood of a larger number of expert committees being set up, and, no less likely, that their overall

significance may appreciably increase with the diversification and complexity of our society which, in the words of Paul H. Appleby, is "dedicated to achievement of mass welfare at a tempo never attained any where at the same stage of economic development"<sup>1</sup>. As stated earlier, the expert committees constitute no less than seventeen per cent of the total number of advisory committees in India. Their names, ministry-wise, are as follows:

(I) MINISTRY OF HOME AFFAIRS

1. Advisory Committee to advise the Central and State Governments on matters relating to such sphere of forensic science with a view to devising improved methods of scientific detection and control of crime and collection of intelligence.

(II) MINISTRY OF STEEL, MINES AND FUEL

2. Programming Board for the Geological Survey of India and Indian Bureau of Mines.
3. Standing Panel of Technical Experts to advise the Government and the Neyveli Lignite Corporation on technical matters connected with the implementation of the Integrated Neyveli Lignite Project.
4. Coal Council of India.

(III) MINISTRY OF COMMERCE AND INDUSTRY

5. Research Programme Committee under the Department of Company Law Administration.

(IV) MINISTRY OF FOOD AND AGRICULTURE

6. Scientific Food Advisory Panel.
7. Committee of Experts to coordinate the research for finding a suitable colour for Vanaspati.
8. Indian Veterinary Council.
9. Standing Committee on Fertiliser Trials.
10. Standing Committee on improved Agricultural Practices.
11. Veterinary Parasitology and Zoology Committee.
12. Animal Diseases and Pests Committee.
13. Central Rinderpest Control Committee.
14. National Cooperating Committee for Arid Zone Research.

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<sup>1</sup> Appleby, Paul H., "*Public Administration in India: Report of a Survey*", New Delhi, Cabinet Secretariat, Government of India, 1953, p. 1.

15. Central Advisory Board on Forest Utilisation.
16. Standing Committee on Fertilizer Trials.
17. Technical Committee for Vegetable Oil Products.
18. Advisory Board on National Sugar Institute, Kanpur.
19. Committee on Large-sized mechanised Farms.
20. National Livestock Committee.
21. Indian Council of Agricultural Research.
22. Indian Council of Agricultural Education.
23. Animal and Husbandry Wing of the Board of Agriculture and Animal Husbandry in India.
24. Crops and Soils Wing of the Board of Agriculture and Animal Husbandry in India.

(V) MINISTRY OF HEALTH

25. Central Committee for Food Standards.
26. National Nutrition Advisory Committee.
27. Central Medico-legal Advisory Committee.
28. Advisory Committee on National Smallpox Eradication Programme.
29. Committee on Cleanliness in Delhi.
30. Central Council of Ayurvedic Research.
31. Unani Advisory Committee.
32. Homoeopathic Advisory Committee.
33. Special Working Committee for National Malaria Eradication Programme.
34. Technical Advisory Committee.
35. Indian Pharmacopoeia Committee.
36. Drugs Technical Advisory Board.
37. Drugs Consultative Committee.
38. Demographic Advisory Committee.
39. Advisory Committee on Oral Contraceptives.
40. Family Planning Communication Research Committee.

(VI) MINISTRY OF DEFENCE

41. Committee of Experts for Dairy Farms.
42. Defence Research and Development Advisory Committee.

(VII) MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

43. All India Council for Technical Education.
44. Central Advisory Board of Biology.
45. Indology Committee.

46. Indology Bibliography Committee on the National Library, Calcutta.
47. Committee Coordinating the Technical Teachers Training Programme.
48. Central Advisory Board of Archaeology.
49. Central Advisory Board of Anthropology.
50. Advisory Board for National Atlas and Geographical names.
51. Post-Graduate Committee.

**(VIII) MINISTRY OF EDUCATION**

52. Indian Historical Records Commission.
53. Historical Documents Purchase Committee.
54. National Register Committee.
55. National Committee of Archivists.
56. Committee on Health Education and Nutrition Education.
57. Committee on Evaluation of Therapeutical Claims of Yoga Practices.
58. Advisory Board of Hindi Encyclopaedia.
59. Hindi Shiksha Samiti.
60. Review and Coordination Committee to evolve terminology in subjects other than legal, scientific and technical.
61. Central Sanskrit Board.
62. Hindi Shorthand Committee.
63. Board of Scientific Terminology.
64. All India Council for Elementary Education.
65. All India Council for Secondary Education.
66. Central Advisory Board of Education.
67. National Council for Rural Higher Education.
68. National Advisory Council for the Education of the handicapped.
69. National Board of Audio-Visual Education.
70. Committee on Contracted Hindi Braille Code.
71. All India Council of Sports.

**(IX) MINISTRY OF INFORMATION AND BROADCASTING**

72. Central Advisory Board for Music.

**(X) MINISTRY OF COMMUNITY DEVELOPMENT & CO-OPERATION**

73. Advisory Committee on Training.

**(XI) MINISTRY OF TRANSPORT & COMMUNICATIONS**

74. Merchant Navy Training Board.

75. Hydrographic Survey Committee.

(XII) PLANNING COMMISSION

76. Panel of Economists.

77. Panel of Scientists.

78. Panel of Ayurveda.

79. Panel on Agriculture.

80. Research Programme Committee.

81. Panel on Education.

82. Panel on Health.

83. Panel on Land Reform.

84. Advisory Committee on Irrigation, Flood Control, and Power Projects.

85. Scientific Instruments Committee.

86. Advisory Committee on Economic Policy.

LIMITATIONS OF EXPERT COMMITTEES

The association of the word 'expert' with 'committee' easily makes it look like an oracle whose revelations have about them an air of unquestioned sanctity. Far from it. An expert committee suffers from certain inherent limitations which must be borne in mind while soliciting its assistance and advice. In the first place, the experts are, generally speaking, one-idea men, given to "tunnel thinking" and incapable of viewing a problem in all its bearings. This obsession with some fixed ideas induces a proneness to exaggerate the importance of their own viewpoints dictated by their particular discipline. There is, therefore, little surprise if, during Second World War, Winston Churchill asked the Lord President of the Council to keep a special watch on the activities of the expert committee on the use of psychologists and psychiatrists in the fighting forces. He wrote: "I am sure it would be sensible to restrict as much as possible the work of these gentlemen, who are capable of doing an immense amount of harm with what may very easily degenerate into charlatanry. The tightest hand should be kept over them, and they should not be allowed to quarter themselves in large numbers upon the fighting services at the public expense. There are no doubt easily recognisable cases which may benefit from treatment of this kind, but it is very wrong to disturb large numbers of healthy, normal men and women by asking

the kind of odd questions in which the psychiatrists specialise. There are quite enough hangers-on and camp-followers already.”<sup>2</sup> Secondly, the experts tend to think in terms of abstractions and to ignore the contextual relationship of a problem. Their craze for “over-rationality” vitiates their thinking processes and, also, the end-product. Their counselling must necessarily be in broad harmony with the community’s beliefs, customs, mores, cultural and spiritual profiles, to name only a few. A community chalks out for itself certain well-defined goals and ideals which may even have some “non-rational” contents. All these must be accepted, and that part of ‘expert’ counselling which is out of accord with these must be eschewed. Quite appropriate in this context is the following observation made by Leiserson: “To the presumed identification of the expert, the true, and the good, the reply may be made that expertness has no independent value in democratic terms. Democratic procedures require popular participation and faith in the process of determining whether the expert view is the good. Too often the expert seems to conflict with the public. Skilled techniques of gathering facts, analysing relationships, and arriving at theoretical truths are in practice mobilised in support of different group interests against one another. The calm presumption that all groups would agree on the good and the truth if they only knew what it was simply does not explain the facts of politics.”<sup>3</sup> Therefore, an indiscriminate reliance must not be placed on the experts’ advice.

Expert committees have been briefly explained in Chapter IV, and it is not the intention to repeat what has already been said about them. We would rather content ourselves with a few observations not hitherto made.

#### TERMS OF REFERENCE

The sceptic caution with which the terms of reference of a consultative committee are generally defined, does not usually attend the

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<sup>2</sup> Churchill, Winston S., *The Second World War, Vol. IV—The Hinge of Fate*, London, Cassell & Co., 1951 (Third Revised Edition), pp. 814-15.

<sup>3</sup> Leiserson, Avery, *Administrative Regulation*, Chicago, University of Chicago Press, 1942, pp. 276-77.

drafting of the terms of reference of an expert committee. Many expert committees have general terms of reference, which do not seem to provide much meaningful clue to the precise nature of functions being performed by the committee. The Advisory Committee on Economic Policy was set up in September 1962 by the Planning Commission, "to secure the intimate and continuous association in its work of a small number of distinguished economists".<sup>4</sup> Further, the Planning Commission "will confer with the Committee on important questions of policy such as prices, mobilisation of resources, distribution of income and wealth, planning of foreign trade, balanced development in different sectors of the economy and in different regions, and the preparation of the long-term plan of development and of the Fourth Plan". This function, at best, is, apparently, of a general nature. Most of the expert committees have less vague though, to be sure, wide terms of reference. The National Nutrition Advisory Committee has as its function to advise Government with regard to the formulation and implementation of policies and plans relating to nutrition. The Scientific Food Advisory Panel was created on January 1959 "in order that the Ministry of Food and Agriculture (Department of Food) may have expert technical advice in the various branches of Food Science such as bio-chemistry, micro-biology, food technology etc".<sup>5</sup> Similarly, the Advisory Committee on National Smallpox Eradication Programme (Ministry of Health) exists to advise the Government on all technical and administrative matters pertaining to the implementation of the National Smallpox Eradication Programme. The functions of these committees are, thus, both wide and comprehensive. On the other hand, several expert committees concern themselves with rather specific aspects of a given subject. The Drugs Technical Advisory Board advises the Central Government and the State Governments on technical matters arising out of the administration of the Drugs Act, 1940. Even more specific is the function of the Indian Pharmacopoeia Committee, which has been formed to revise the Indian Pharmacopoeia and keep it up-to-date.

Notwithstanding these differences, the terms of reference scarcely act as a restrictive influence on an expert committee. In practice,

<sup>4</sup> *The Hindustan Times*, 29 September, 1962, p. 12.

<sup>5</sup> *Resolution No. F. CTA-271/58*, dated 15 January, 1959, Ministry of Food and Agriculture.



the terms are liberally interpreted, and in one case at least, a committee has been explicitly empowered to add to its functions of its own accord and, thus, broaden the basis of its operations. Reference has already been made in Chapter V to the Coal Council of India. The matters, outlined in the Resolution, to be looked after by the Coal Council form, as the Resolution says, but "an illustrative list which is not intended to be comprehensive". Further, "it will be necessary for the Coal Council of India to consider whether and, if so, what other problems relating to coal should be brought under its review and study".<sup>6</sup> This is an indication of the generally liberal official attitude in interpreting the scope and functions of an expert committee.

#### SIZE

An expert committee should, as a rule, have a smaller membership, and on this count many of these committees appear to sin, although in comparison to consultative committees, they are relatively small in size. The gradation in size is as follows:

1. Advisory Committee on Economic Policy	5
2. Committee of Experts to coordinate the Research for finding a suitable colour for Vanaspati	6
3. Advisory Committee on Oral Contraceptives	6
4. Advisory Committee on National Smallpox Eradication Programme	7
5. Nature Cure Advisory Committee	7
6. Demographic Advisory Committee	8
7. Special Working Committee for National Malaria Eradication Programme	8
8. Advisory Committee on Irrigation & Power Projects	9
9. Vegetable Oil Products Advisory Committee	9
10. Standing Committee on Fertilizer Trials	9
11. Unani Advisory Committee	9
12. Family Planning Communication Research Committee	10
13. Homoeopathic Advisory Committee	11
14. Technical Committee for Vegetable Oil Products	11
15. Leprosy Advisory Committee	13

<sup>6</sup> Resolution No. 25-C/(12)/56, dated 28 August, 1956, Ministry of Production.

16. Indian Pharmacopoeia Committee	13
17. Scientific Food Advisory Panel	13
18. Veterinary Parasitology & Zoology Committee	14
19. Defence Research & Development Advisory Committee	15
20. Central Council of Ayurvedic Research	16
21. Drugs Consultative Committee	18
22. Animal Diseases & Pests Committee	18
23. Drugs Technical Advisory Board	19
24. Panel of Scientists	26
25. Central Committee for Food Standards	27
26. Panel of Economists	27
27. Central Rinderpest Control Committee	28
28. National Nutrition Advisory Committee	30
29. Central Family Planning Board	32
30. Panel on Health	39
31. Indian Council of Agricultural Education	62
32. Animal Husbandry Wing of the Board of Agriculture and Animal Husbandry in India	113
33. Crops & Soils Wing of the Board of Agriculture and Animal Husbandry in India	127

While appointing members to these committees it should be seen that persons whose qualifications, training and experience make them eminently suitable for the work, and who are, at the same time, perhaps favourable to the spirit and intent of the work,<sup>7</sup> are selected. Furthermore, only those who can devote time to the work of the committee should be nominated. A busy figure will apparently contribute little, for he is virtually left with no time to undertake an intensive study of the problem on which his expert advice is solicited.

As a significant measure towards enhancing the effectiveness of an expert committee, it should be incumbent on it to produce a brief written report on the problems it has been asked to review and discuss.

<sup>7</sup> This may, however, expose a department to the criticism of 'packing' a committee with persons favourable to the official point of view. "But if it be remembered", writes Leiserson, "that the representative advisory committee, constituted primarily on the principle of conflict of interests, loses its usefulness unless the outcome of its deliberations is agreement by either substantial unanimity or overwhelming majority, it is difficult to see any objection to the appointment of experts favourable to the spirit and intent of the statute." Leiserson, Avery, *Administrative Regulation*, Chicago, University of Chicago Press, 1942, pp. 172-73.

At present, advisory committees including even the expert ones, meet and discuss the items figuring on the agenda of the meeting. In its very nature a mere oral discussion may not clearly comprehend all the dimensions of a given problem. Besides, the discussion might well remain superficial, desultory, even vague. Ill-considered counselling is immensely harmful, particularly when it emanates from experts. By insisting upon written reports the members are made to study a problem in its totality and to give considered opinion on the matter in hand before committing themselves to writing. It is, therefore, suggested that an expert committee should, as a rule, be required to produce a brief written report on the problems remitted to it.

#### EXPERT COMMITTEES AND RESEARCH

A few expert committees are mainly engaged in research and development. On the defence side there is the Defence Research and Development Advisory Committee to advise "on defence research and development; to assist in the formulation of defence research policies and to make recommendations to the Government regarding the allocation of defence research programmes to the Universities and the National Laboratories and other Research Institutions".<sup>8</sup> This committee is under the chairmanship of the Scientific Adviser to the Minister of Defence and includes:

- (i) six eminent scientists and engineers to be nominated by the Government of India;
  - (ii) Chief of General Staff;
  - (iii) Deputy Chief of Naval Staff;
  - (iv) Deputy Chief of Air Staff;
  - (v) Additional Financial Adviser, Ministry of Finance (Defence);
  - (vi) Controller General of Defence Production;
  - (vii) Chief Controller (Research & Development);
  - (viii) Chief Scientist; and
  - (ix) Director of Technical Development and Production (Air).
- This committee, thus, advises on defence research and development programmes and their inter-Service allocations. On the civil side

<sup>8</sup> Answer to Question 358, *Lok Sabha Debates*, Second Series, Vol. XXII, No. 6, 24 November 1958, Col. 1217-18.

there is no advisory committee in existence to advise on general policy, although there appears to be a need for such a body.<sup>9</sup>

A distinction may here be made between expert committees which *initiate* research and those which *promote* research. Some expert committees are empowered by their terms of reference to *initiate* research. The Committee of Experts to Coordinate the Research for finding a suitable colour for Vanaspati (Ministry of Food & Agriculture) has as its terms of reference:

- (i) To survey the available colours and the extent to which they satisfy the specifications prescribed for the purpose;
- (ii) to initiate systematic researches wherever considered necessary in respect of such of those colours as appear to be promising, particularly with reference to their laxity and stability to simple methods of removal;
- (iii) to consider suggestions received in this connection from members of the public and refer them for further examination to one or other of the laboratories; and
- (iv) to maintain a continuous watch over the progress of these researches, and in this connection to visit the different laboratories where the work is to be carried out for personal discussions with a view to coordinating researches carried out at the different laboratories.

The Scientific Food Advisory Panel is another committee which may *initiate* research in its own. The Resolution creating it says: "If the Panel considers that investigation is necessary before giving advice on any matter referred to it, it may put up a scheme to the Government of India or may nominate a person or persons to undertake the investigation, subject to the approval of the Government of India."<sup>10</sup> Other committees which are empowered to *initiate* researches are the following:

1. National Cooperating Committee for Arid Zone Research; and
2. Central Soil Conservation Board.

<sup>9</sup> In Britain there is, on the civil side, the Advisory Council on Scientific Policy which advises the Minister for Defence "in the exercise of his responsibilities for the formulation and execution of Government scientific policy". Also, there is the Defence Research Policy Committee.

The role of advisory committees in the field of research has been discussed in the *Report of the Committee on the Management & Control of Research & Development* (Chairman: Sir Solly Zuckerman), London, H.M.S.O., 1961, pp. 77-82.

<sup>10</sup> Resolution No. F. CTA-271/58, dated 15 January 1959, Ministry of Food & Agriculture.

Many expert committees operating in the field of research, however, act as *promoters* of research rather than initiators of the same. The Central Advisory Board on Forest Utilisation exists to advise on the assignment of priority to various items of research conducted at the Forest Research Institute. The Veterinary Parasitology & Zoology Committee is required under its terms of reference to consider and scrutinise the various research schemes/extension proposals/technical programmes/annual and final progress reports on research schemes on animal disease and pests. Some of the other committees also engaged in the promotion of research are the following:

1. Central Council of Ayurvedic Research;
2. Homoeopathic Advisory Committee;
3. Unani Advisory Committee;
4. Nature Cure Advisory Committee;
5. Demographic Advisory Committee;
6. Central Family Planning Board;
7. Defence Research & Development Advisory Committee;
8. Advisory Committee on Oral Contraceptives; and
9. Family Planning Communication Research Committee.

It is, however, not common for the expert committees either to initiate research or to promote it. Rather, they advise the Government from their own stock of knowledge and experience.

As several governmental organizations are presently engaged in applied research, it is vital to have effective links with the fundamental research done in the universities on the one hand and with the application of research in industries, on the other. In fact, these agencies should derive inspiration and stimulus from universities and industries and yet this aspect does not appear to have received due attention and emphasis. There are many ways of maintaining such links,<sup>11</sup> but here the concern is only with the role the advisory committees may play in this sphere. It is necessary for the Government to enlist the services of the university scientists, and also to take into account the user requirements in the formulation of research and development of programmes, and, to this end, the advisory committees consisting of the university scientists and the user representatives can serve a useful

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<sup>11</sup> Vide *Report of the Committee on the Management and Control of Research and Development* (Chairman: Sir Solly Zuckerman), London, H.M.S.O., 1961, pp. 79-82.

purpose. Particularly, the association of the user representatives is apt to facilitate and popularise the commercial application of the results of research developed in these establishments. Here, it may be of interest to note that as early as 1944 the formation of a scientific advisory committee was recommended by the Reconstruction Committee, although this recommendation was not implemented by the Government. The Committee recommended: "It is proposed to set up a consultative Scientific Committee at the Centre to deal with all matters common to science with official as well as non-official scientific institutions."<sup>12</sup> It also wrote: "It has been suggested by Professor A. V. Hill that Development Boards should be constituted, where they do not already exist. They would consist largely of scientists in the employment of Government and distinguished non-officials working in private institutions. The Boards would periodically survey the organisation of research, in order to ensure that the "user" departments develop and popularise the results of original research through their own scientific and publicity organisations."<sup>13</sup>

It is proposed now to describe the various Panels, attached to the Planning Commission, to illustrate how a committee engages in expert counselling.

#### PANELS<sup>14</sup>

The various Panels comprising experts have been assisting the Planning Commission since its inception, in March 1950, in the framing of the successive Five Year Plans. The *First Five Year Plan* (Draft Outline) recorded: "... the Commission (Planning Commission) has been engaged in examining the principal problems affecting the social and economic development of the country. In this task it has drawn much help from the Central Ministries and State Governments. *It has also received valuable advice from its*

<sup>12</sup> Reconstruction Committee: *Second Report on Reconstruction Planning*. Delhi, Manager of Publications, 1944, p. 56.

<sup>13</sup> *Ibid.*, p. 57.

<sup>14</sup> A Panel is a list of individuals who are open to consultation and advice on a particular subject as and when necessary. It is, in short, a committee that never meets. The members of a Panel are consulted by circulation of papers. The ministry may also individually contact them and seek their advice. In practice, however, the Panels, like committees, hold their meeting. There is, thus, little difference between the two.

*Advisory Board and the Panels concerning different subjects.*"<sup>15</sup> (italics supplied). In the preparation of the final blueprint as well, these Panels played a significant role. "We hope to have further consultations with the Central Ministries, State Governments and our own Advisory Board and Panels, and also to obtain the views of Members of Parliament before we finalise the Plan."<sup>16</sup> The expert advice of these Panels was again sought while preparing the Second Five Year Plan. An official announcement, made early in 1955, said: "The Planning Commission is at present engaged on the preparation of the Second Five Year Plan and desires to secure in this task advice and assistance of experts who have special knowledge and experience in their respective fields of work. It has, therefore, been decided to appoint a number of Panels consisting of experts in the economic, technological and other fields. As a first step towards this objective, it has been decided to set up a Panel of Economists to advise the Commission on problems connected with the preparation of the Second Five Year Plan."<sup>17</sup> In addition to the Panel of Economists, the Planning Commission set up the following Panels:

1. Panel on Land Reform;<sup>18</sup>
2. Panel for Labour;<sup>19</sup>
3. Panel on Housing;<sup>20</sup>
4. Panel on Health;<sup>21</sup> and
5. Panel of Scientists.<sup>22</sup>

The Panels assisted the Planning Commission in the preparation of the Third Five Year Plan as well. The Commission, while presenting the draft outline of the third plan, commented: "The Draft Outline brings together the results of studies on the Third Five Year Plan which has been in progress over the past 18 months. *These studies have drawn upon the reports of panels and working groups set up at the Centre by the Planning Commission and the Ministries as well as*

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<sup>15</sup> *First Five Year Plan: A Draft Outline*, New Delhi, Planning Commission, July 1951, p. 2.

<sup>16</sup> *Ibid.*, p. 5.

<sup>17</sup> *Resolution No. PC(I)/55*, dated 3 March 1955, Planning Commission.

<sup>18</sup> *Resolution No. PC(VII)1/2/55*, dated 28 June 1955, Planning Commission.

<sup>19</sup> *Resolution No. PC(VI)L-13/8/55*, dated 2 September, 1955, Planning Commission.

<sup>20</sup> *Resolution No. PC(VI)H/9/3/54*, dated 10 August 1955, Planning Commission.

<sup>21</sup> *Resolution No. PC(VI)HL/22(4)/55*, dated 20 September 1955, Planning Commission.

<sup>22</sup> *Second Five Year Plan*, New Delhi, Planning Commission, 1956, p. 523.

*those in the States.*"<sup>23</sup> (Italics supplied). More specific acknowledgement of the expert assistance provided by these Panels has been made in the final *Third Five Year Plan*. "The Planning Commission had the benefit of advice and suggestions from its Panel of Economists, Panel of Scientists, and Panel on Land Reform, Agriculture, Education, Health, and Housing."<sup>24</sup> In all, the Commission set up eight Panels consisting, mainly, of experts. Excepting the Panel of Economists, the Panel of Scientists, and the Panel on Ayurveda (an indigenous system of medicine), the other Panels include Members of Parliament as well. There are six Members of Parliament in the Panel on Agriculture, three in the Panel on Health, eleven in the Panel on Land Reform, seven in the Panel on Education, and five in the Panel on Housing. The statement at pages 184-85 gives the name of the Panel, date of its constitution, representation of the Members of Parliament, meetings held in 1959 and 1960, and its functions.

These Panels have the power to co-opt, and may meet as a whole or in part as often as may be considered necessary. They give general advice on various problems referred to them.<sup>25</sup> Their advice is sought by the Planning Commission for the formulation of the programmes as well as for their review and implementation. This is borne out by some observations made in the *Third Five Year Plan* (Draft Outline). Complaining about the generally unsatisfactory progress in industrial housing, the Planning Commission wrote: "The Scheme (Housing of Industrial Workers) is expected *to be reviewed shortly by the Panel on Housing* and also in consultation with employers, workers and State Governments."<sup>26</sup> (italics supplied). Elsewhere, it observes: "The main task during the third plan will be to complete as early as possible the implementation of policies evolved during the second plan and embodied in the legislation which the States have recently undertaken in pursuance of the accepted policies. It is proposed to consider the subject more fully in the final report on the plan when the suggestions of the Panel on Land Reform and the views of the State Governments will also be available."<sup>27</sup> Similarly, the *Third Five*

<sup>23</sup> *Third Five Year Plan: A Draft Outline*, New Delhi, Planning Commission, June 1960. Introduction.

<sup>24</sup> *Third Five Year Plan*, New Delhi, Planning Commission, 1961, pp. xiii-xiv.

<sup>25</sup> Cf. Sen. S. R.: 'Planning Machinery in India', in *The Indian Journal of Public Administration*, July-September 1961, Vol. VII, No. 3, p. 228.

<sup>26</sup> *Third Five Year Plan: A Draft Outline*, p. 119.

<sup>27</sup> *Third Five Year Plan: A Draft Outline*, p. 94.



## PANELS SET UP BY THE PLANNING COMMISSION

NAME OF THE PANEL	DATE OF RECONSTITUTION	TOTAL MEMBERSHIP	REPRESENTATION OF M.Ps.	MEETINGS HELD IN 1959 AND 1960	OBJECT
(1)	(2)	(3)	(4)	(5)	(6)
Agriculture	September 1959	36	6	One meeting in June 1959	To assist Planning Commission in drawing up agricultural programmes for the Third Plan.
Health	June 1960	39	3	One meeting in August 1960	To advise the Planning Commission regarding health plans of the Central and State Governments.
Ayurveda	June 1960	35	Nil	One meeting in July 1960	To review progress of indigenous system of medicine and advise Planning Commission on programmes relating to Third Plan.
Land Reform	August 1959	37	11	One meeting in August 1960	Reviewing progress in the implemen- tation of land policy and suggesting further steps in the field of land reform and agrarian reorganisation.

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Education	April 1960	35	7	One meeting in August 1960	To review the progress of plans in the field of education and advise the Planning Commission on programmes relating to Third Plan.
Economists	February 1959	27	Nil	One meeting in August 1959 One meeting in April 1960	To advise Planning Commission on the financial and economic problems relating to Third Plan.
Scientists	1956	26	Nil	One meeting in December 1959	To coordinate programme of scientific study and investigation in the national laboratories, in universities and in other institutions with the requirements of national planning and to advise and assist the Planning Commission in this task.
Housing	July 1960	37	5	One meeting in August 1960	To review the progress of plans in the field of housing and regional planning and advise Planning Commission on programmes relating to Third Plan.

*Year Plan* refers to the consideration of the programme of family planning by the Panel on Health.<sup>28</sup>

A Panel meets from time to time to advise the Planning Commission in the task of framing the programme of development in its (the Panel's) field. It generally splits itself into some working parties, and may coopt even outsiders for proper studies of the various problems. A Panel submits its report to the Planning Commission through its coordinating committee. Reference to 'reports of panels', made in the *Third Five Year Plan*:<sup>29</sup> *A Draft Outline* indicates that it is perhaps customary for a Panel to prepare a written report for submission to the Planning Commission. It, however, appears that all the Panels do not observe the practice of preparing written reports. In such cases where no written report is submitted, the Planning Commission is guided by the general consensus of opinion of the Panel's members. This is, at least, the case with the Panel on Ayurveda.<sup>30</sup>

An evaluation of the precise degree of effectiveness of these panels is not easy to make. This is so because not much is publicly known about them. It may, however, be concluded from such information as is available that these Panels have been generally effective, and their recommendations receive careful consideration at the hands of both the Planning Commission and the National Development Council. In addition to the *expertise* which these Panels make available to the Planning Commission, their association with the latter helps broad base the Plan by making it emerge as the outcome of nation-wide efforts rather than the brainchild of the Planning Commission only. It is true that the Plan must needs be approved by the National Development Council and the Parliament before it receives the imprimatur of the nation's approval. Nevertheless, the Panels' association with the framing of the Plan, besides giving it a broader base, makes their recommendations carry weight with the policy-making authorities. In particular, the Panel of Economists appears to be quite effective. It considered P. C. Mahalanobis's 'Draft Recommendations for the Formulation of the Second Five Year

<sup>28</sup> *Third Five Year Plan*, p. 675.

<sup>29</sup> *Third Five Year Plan: A Draft Outline, Introduction*.

<sup>30</sup> This inference is easily drawn from the following sentence occurring in the *Third Five Year Plan*: "The recommendation of the Panel on Ayurveda appointed by the Planning Commission, on the basis of consensus of opinion of its members, was as follows:" (italics mine), *Third Five Year Plan*, p. 670.

Plan' (commonly known as plan-frame) and the 'Tentative Framework for the Second Five Year Plan' prepared by the Economic Division of the Ministry of Finance and the Planning Commission; and framed its own 'Memorandum on Basic Considerations Relating to the Plan-Frame'. Besides, the members of this Panel contributed several papers on individual aspects.<sup>31</sup> The National Development Council generally agreed with the basic considerations relating to the plan-frame, embodied in this Panel's Memorandum. In 1955, when this Council appointed a committee under the chairmanship of D. G. Karve to prepare a scheme for the development of village and small-scale industries, it specifically enjoined upon the committee to approach its task "in the light of the provision made in the draft plan-frame for village and small-scale industries and in the light of recommendations made in the memorandum submitted by the Panel of Economists. . . ."<sup>32</sup> The impact of this Panel, thus, appears to have been fairly deep and wide.

Other Panels, too, have been effective in their own ways. The Panel on Land Reform has assisted the Planning Commission "in the study of various problems connected with tenancy reform, size of holdings, re-organisation of agriculture and Bhoodan."<sup>33</sup> This Panel set up four sub-committees to make recommendations on the following subjects: (i) Tenancy Reforms; (ii) Size of Holdings; (iii) Problems of Re-organisation; and (iv) Bhoodan. The main recommendations of the sub-committee on tenancy reforms related to:

- (i) stay of ejectment of tenants and restoration of tenants ejected in recent years;
- (ii) conferment of security of tenure and reduction of rent to the level of one-sixth of the produce;
- (iii) bringing of the tenants into direct relationship with the State and grant of full ownership rights;
- (iv) elimination of multiplicity of tenures and rationalisation of the rights and obligations of landholders; and
- (v) utilisation of the village panchayats increasingly as the agency for the enforcement of the measures of land reforms.

The sub-committee on size of holdings recommended the imposition

<sup>31</sup> *Second Five Year Plan: A Draft Outline*, Planning Commission, February 1956, p. 2.

<sup>32</sup> *Resolution No. FY11/CD1/23/55*, dated 28 June 1955, Planning Commission.

<sup>33</sup> *Second Five Year Plan*, p. 180.

of a ceiling, the limit proposed being 3 family holdings.<sup>34</sup> It also examined the question of fixation of a floor limit on which, however, an agreement could not be reached and a number of views were expressed. "The Committee could not achieve an unanimity in approaching this problem. Though several members favoured imposition of a floor, say, at one-third of the economic holding as in the Hyderabad legislation, others felt that blanket injunction against individual cultivation of the below-floor farms would unduly restrict the already limited opportunities for owning land and will keep out a large number of landless from becoming owners. In the distribution of the surplus also, if a minimum floor limit is imposed, the number benefiting from the distribution would be restricted. These members, therefore, opposed any rigid adherence to the concept of the floor."<sup>35</sup> The sub-committee on problems of reorganisation set up a small committee to suggest standards of efficient cultivation and management as well as sanctions for the enforcement of these standards. It made recommendations on cooperative farming, cooperative village management, consolidation of landholdings and land management legislation. The sub-committee on bhoodan held discussions with Acharya Vinoba Bhave, and these discussions "were taken into consideration when the Second Plan was formulated".<sup>36</sup>

Equally significant has been this Panel's assistance in the preparation of the Third Five Year Plan. "Problems arising in the implementation of land reform legislation enacted in the States have been studied by the Panel in Land Reform and the urgent tasks to be performed have been listed separately in respect of abolition of intermediaries, tenancy reforms and ceilings."<sup>37</sup> Its suggestion for an early completion of land reform programme, so as to obviate any feeling of uncertainty arising from delays in implementation, has secured the acceptance of it by the Planning Commission. With regard to "personal cultivation"<sup>38</sup> the Panel has insisted, among others, upon personal

<sup>34</sup> A family holding has been defined as an area of land which yields gross income of Rs. 1,600 per annum or a net annual income (including remuneration for family labour) of Rs. 1,200

<sup>35</sup> *Report of the Committees of the Panel on Land Reforms*, New Delhi, Planning Commission, 1959, p. 107.

<sup>36</sup> *Ibid.*, p. ii

<sup>37</sup> *Third Five Year Plan*, p. 234.

<sup>38</sup> For definitions of 'personal cultivation' as adopted by different States, see *Reports*

supervision involving residence during the greater part of the agricultural season by the owner in the village where the land is situated. "This suggestion", the Planning Commission has remarked, "should be considered by the State Governments and the current definitions of 'personal supervision' modified to the extent necessary."<sup>39</sup> Finally, it has stressed the need for preparing correct and up-to-date records of rights and for strengthening the revenue administration.<sup>40</sup> This recommendation has also been endorsed by the Planning Commission.

Similarly, the Panel on Ayurveda has helped significantly in the finalisation of the policy towards Ayurvedic research and development and the programme for the same which has been embodied in the Third Five Year Plan and the Planning Commission approvingly quotes the recommendation of this Panel.<sup>41</sup> Also, this Panel has made the following suggestions,<sup>42</sup> many of which have been accepted by the Planning Commission:

1. Establishment of a Central Council of Indian Medicine to regulate and supervise Ayurvedic education;
2. Establishment of separate Directorates for Indian Medicine and statutory Councils and Boards in all the States;
3. Establishment of a separate Central Drugs Control Organisation for the indigenous systems of medicine;
4. Compilation of Ayurveda and Unani pharmacopoeia;
5. Establishment of pharmacological research units preferably attached to the botany departments in colleges to pave the way for fixing working standards of raw materials used in Ayurveda and Unani Pharmacies;
6. Establishment of at least one medicinal herbs garden in each State and also a central one situated at an appropriate place where local plants should be grown; and
7. Survey of medicinal drugs which are in common use and which by experience have been found beneficial in common ailments.

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<sup>39</sup> *Reports of the Committees of the Panel on Land Reforms, op. cit.*, p. 225.

<sup>40</sup> *Ibid.*, p. 234.

<sup>41</sup> *Ibid.*, pp. 670-71.

<sup>42</sup> *Ibid.*, pp. 671-72.

## 9

# Advisory Committees for Independent Administration

**A**DVISORY committees with independent powers of administration, or 'administrative advisory committees', as they may perhaps be designated, may appear at first sight to be a contradiction in terms. Such an impression is apt to be created by too exclusive a reliance on the study of formal organisation. Normally, an advisory committee is solely engaged in counselling which the Government is within its rights to either accept or reject. As a matter of deliberate policy, however, the Government may evolve a convention of accepting the recommendations, thus, in effect elevating the advisory committee to the position of an autonomous body clothing it with considerable authority to decide things itself. In this way, the apparent contradiction resolves itself, or, at least, loses its pointedness. At any rate, this hiatus between theory and practice may be explained, to an extent, by the inter-play of extra-mural factors and the emergence and growth

of informal organisation in a committee.

It follows from the foregoing that it is difficult to catalogue such committees, for it cannot be said of any committee that it is so sacrosanct that its recommendations may never be turned down by the Government. Broadly speaking, however, administrative advisory committees include committees performing quasi-judicial function (e.g., Advisory Body under the Preventive Detention Act) regulatory function (e.g., various Governing Boards), as well as committees consisting of political elements and engaged in policy-making at the highest level (e.g., National Development Council, Education Ministers' Conference, Transport Development Council consisting of the Transport Ministers of the States, etc.). In this category may also be included committees like the University Grants Commission<sup>1</sup> (from 1952 to 1954) which, though advisory, was, in practice, an autonomous body managing affairs itself. Advisory committees of tripartite character, operating mainly in the field of industrial labour, exist for the purpose of evolving agreed decisions. The Government develops the practice of implementing these recommendations unanimously agreed upon by the representatives of both Labour and Industry. Even a slight deviation from these recommendations is likely to lead to accusation of partisanship—a situation which the Government would naturally like to avoid. The Indian Labour Conference and the Standing Labour Committee are the well-known examples of such committees. Finally, the All India Handicrafts Board, too, is to be included in this category. The Board is an advisory committee but, all the same, it has arrogated to itself the functions of an executive body.<sup>2</sup> All in all, administrative advisory committees constitute about five per cent of the total number of advisory committees in India. The Planning Commission has not

<sup>1</sup> The University Grants Commission was set up in 1952 :

- (i) to advise Government on the allocation of grants-in-aid to other Universities and institutions of higher learning;
- (ii) to advise Government on the allocation of grants-in-aid from public funds to the Central Universities;
- (iii) to advise Universities and institutions of higher learning in respect of any question referred by the Government to the Commission.

*Resolution No. F. 30-2/51-G-3*, dated 3 November 1952.

The functions of the Commission were enlarged in 1954 and, as a result, it became an executive body.

<sup>2</sup> For a detailed discussion see *Hundred and Sixty-First Report of the Estimates Committee*, Second Lok Sabha, New Delhi, Lok Sabha Secretariat, 1962.



been included among administrative advisory committees. The Commission falls outside the scope of the present study, as it does not contain any member who is not on the pay-roll of the Central Government.

The administrative advisory committees are as follows:

**MINISTRY OF HEALTH**

1. Central Selection Committee for the award of prizes to Family Planning Clinics & Family Welfare Workers.

**MINISTRY OF SCIENTIFIC RESEARCH & CULTURAL AFFAIRS**

2. Committee for Research Fellowships and Fundamental Research Grants.
3. Central Selection Committee for sending Cultural Delegations abroad.
4. Governing Council, Indian School of Mines, Dhanbad.
5. Board of Governors, College of Engineering and Technology, Delhi.
6. Governing Body, Delhi Polytechnic, Delhi.

**MINISTRY OF EDUCATION**

7. Selection Committee for the award of Fellowships.
8. Selection Committee for the award of stipends to candidates of the Department's One-Year Archival Diploma Course.
9. Selection Committee for presentation of free gifts of Hindi books to non-Hindi States.
10. Stipend Committee for displaced students.
11. Board of Studies for Diploma Course in Rural Services.
12. Board of Studies for Diploma Course in Civil and Rural Engineering.
13. Board of Studies for Agricultural Science Course.
14. Board of Studies for Sanitary Inspector's Course.
15. Board of Examination.
16. Hindi Examination Committee.
17. Technical Committee for judging of reasonableness of price of prize-winning books.

**MINISTRY OF COMMERCE & INDUSTRY**

18. All India Handicrafts Board.

**MINISTRY OF HOME AFFAIRS**

19. Central Advisory Committee to deal with representations from Gazetted personnel.

## MINISTRY OF FOOD &amp; AGRICULTURE

20. Indian Council of Agricultural Research.

## PLANNING COMMISSION

21. Research Programme Committee.
22. National Development Council.

It is now proposed to describe the composition and function of one advisory committee which, in practice, has administrative functions, *viz.*, the National Development Council. This body has been singled out here for special consideration with a view to unfolding the role of advisory committees in softening the rigidities inherent in a federal constitution.

## NATIONAL DEVELOPMENT COUNCIL

The National Development Council came into existence in August 1952 as the result of a Resolution issued from the Central Cabinet Secretariat. Its formation was recommended in the *First Five Year Plan* (Draft Outline) which observed: "In a country of the size of India where the States have under the Constitution full autonomy within their own sphere of duties, it is necessary to have a forum such as a National Development Council at which, from time to time, the Prime Minister of India and the Chief Ministers of States can review the working of the Plan and of its various aspects."<sup>3</sup> Even earlier, the Advisory Planning Board, set up in 1946, by the Interim Government, under the chairmanship of K. C. Neogi, had pointed out the desirability of such a consultative body representing the provinces, the princely states, and some other interests to advise the Planning Commission. Principally, therefore, the National Development Council has come into being with the object of ensuring 'uniformity of approach and unanimity in its working'<sup>4</sup>—the twin pre-conditions for the success of the five-year plan. The Council, thus, overcomes, or at least softens, the rigidities which are incident to the existence of autonomous States in the federation. In addition to promoting this principal objective of securing the cooperation of the States in the execution of

<sup>3</sup> *First Five Year Plan: A Draft Outline*, New Delhi, Planning Commission, Government of India, July 1951, p. 253.

<sup>4</sup> Sen, S. R., 'Planning Machinery in India', in *The Indian Journal of Public Administration*, Vol. VII, No. 3, July-September 1961, p. 233.

the Plan, this body serves

1. to mobilise the resources and effort of the country for the implementation of the Plan;

2. to evolve common policies in all vital spheres; and

3. to ensure balanced development of all regions of the country.

The functions of the NDC are set out in the Resolution. These are:

- "1. to review the working of the National Plan from time to time;

- "2. to consider important questions of social and economic policy affecting national development; and

- "3. to recommend measures for the achievement of the aims and targets set out in the National Plan including measures to secure the active participation and cooperation of the people, improve the efficiency of the administrative services, ensure the fullest development of the less advanced regions and sections of the community and, through sacrifice borne equally by all citizens, build up resources for national development."<sup>5</sup>

The NDC is composed of the Prime Minister, the Chief Ministers of all the States, and the Members of the Planning Commission. The Central Ministers, subjects pertaining to whose ministries figure on the agenda of a meeting, are also invited to participate in the discussion. Till 1956, therefore, the membership of the NDC numbered about 50—the number of Parts A, B, and C States alone being 28. This size greatly reduced the practical utility of this body as a forum for effective discussion. As a result, in 1954, the Council set up a smaller Standing Committee, comprising the Chairman and Members of the Planning Commission, and the Chief Ministers of nine States.<sup>6</sup> With the reduction in the number of States from 28 to 14,<sup>7</sup> consequent upon the reorganisation of the States in 1956, the membership under the NDC stood at about 30, which is its present size. The originally constituted Standing Committee continued to function till 1957, when the NDC enlarged its membership by making it comprise the Chairman and Members of the Planning Commission and the Chief Ministers of all the States. This committee meets in between the meeting of the NDC to review the policies underlying the Plan, and to its progress.

<sup>5</sup> *Resolution No. 62/CF/50*, dated 6 August 1952, Cabinet Secretariat.

<sup>6</sup> These States were : Uttar Pradesh, Punjab, West Bengal, Bombay, Tamil Nadu, Rajasthan, Hyderabad, Travancore-Cochin, and Mysore.

<sup>7</sup> Subsequently, Bombay was bifurcated into two States of Gujarat and Maharashtra. Recently (1962) a separate State of Nagaland has been created.

The Resolution creating the NDC says: "The Council shall meet as often as may be necessary and in any case at least twice in each year."<sup>8</sup> In practice it has sometimes met more than twice in a year. Until the end of 1962 it held twenty meetings, each meeting continuing for two days. The Council makes its recommendations to both the Central and State Governments. The Secretary of the Planning Commission acts as the Secretary to this Council, and the Planning Commission furnishes the administrative and other assistance for the work of the Council. The agenda of a particular meeting consists of (i) items suggested by the Planning Commission itself; (ii) items suggested by the Central Ministries; and (iii) items suggested by the State Governments. The Secretary of the Council causes a memorandum to be prepared on each item on the agenda. These memoranda, as well as other necessary papers, are circulated among the members well in advance. The meeting of the Council opens with an address from the Prime Minister (who is the Chairman of the Council), who, in a general way, dwells upon the more important items figuring on the agenda and even expounds definite views on them. His opening speech, in fact, broadly sets the tone and nature of the discussion in the meeting. His speech is followed by speeches from other Central Ministers and Members of the Planning Commission, who give their exposition of various problems connected with their charge. Thereafter follows discussion, item by item, and in the end, the Council generally adopts a resolution, which is usually made public

#### COMMITTEES

It is evident both from the nature of its composition and the frequency of its meetings that the Council is not an appropriate body to itself undertake exhaustive investigation of specific problems. It often seeks the assistance of committees, mostly of an *ad hoc* nature, to which it entrusts the investigation of such problems. In 1955 it formed a Committee on Village and Small-Scale Industries under the chairmanship of D. G. Karve to prepare "a scheme industry-wise, and wherever possible State-wise, for the utilisation of the resources to be earmarked for the purpose of development of these industries

<sup>8</sup> Resolution No. 62/GF/50, dated 6 August 1952, Cabinet Secretariat.

as an integral part of the Second Five Year Plan.”<sup>9</sup>

A year later, the Council set up the Committee on Plan Projects with a view to achieving economies consistent with efficiency in the execution of the projects included in the Plan. Unlike other committees, it is of a standing nature. Its functions are:<sup>10</sup>

1. to organise investigations, including inspection in the field of important projects, both at the Centre and in the States, through specially selected teams;
2. to initiate studies with the object of evolving suitable forms of organisation, methods, standards and techniques for achieving economy, avoiding waste and ensuring efficient execution of projects;
3. to promote the development of suitable machinery for continuous efficiency audit in individual projects and in agencies responsible for their execution;
4. to secure the implementation of suggestions made in reports submitted to the Committee on Plan Projects and to make the results of studies and investigations generally available; and
5. to undertake such other tasks as the National Development Council may propose for the promotion of economy and efficiency in the execution of the second five year plan.

The Council has also constituted committees on price control (March 1960), and on savings (January 1961). The Committee on savings was set up to suggest ways of securing the maximum mobilisation of resources for the Third Plan. This Committee owed its formation to the demand made by the Chief Ministers that concrete measures must be taken to step up the savings drive to the Third Plan.

#### WORKING OF THE NDC

The functioning of the NDC since its inception in 1952 reveals that there is hardly any matter of importance which it is not competent to discuss. Its preoccupations are many and varied, and a perusal of its original terms of reference fails to provide a total picture of its actual functioning. Its terms of reference expect it “to review the working of the National Plan from time to time”. In practice, the

<sup>9</sup> Resolution No. FY11/CD1/23/55, dated 28 June 1955, Planning Commission.

<sup>10</sup> Second Five Year Plan, New Delhi, Planning Commission, 1956, pp. 132-33.

Council makes recommendations pertaining to the overall size and structure of the Plan. The Plan, in draft, is placed before it for its general approval. The Council, thus, passed the following resolution on the Second Five Year Plan:

“The National Development Council places on record its general approval and acceptance of the objectives, priorities and programmes embodied in the (Second) Plan; . . .”<sup>11</sup>

Also, the Council periodically meets to undertake review of the Plan, thus, ensuring its well-coordinated implementation. Meeting in November 1962, the Council, for instance, decided to re-orientate the Third Five Year Plan in the light of the new situation created as a result of the Chinese aggression on India. It observed:

“The National Development Council considers the country’s plans of development as an integral part of the national defence. In this context, the successful and speedy implementation of the Plan with the necessary reorientation to meet this emergency, becomes all the more imperative. Resources for this can come only through savings and savings would necessarily mean sacrifices in the present for the sake of the future. The Government, at the Centre and in the States, will have to take adequate and effective steps to foster the proper atmosphere for greater savings in the community and utilise those savings towards the national effort, with economy and efficiency.”<sup>12</sup>

In addition to the function of approving and reviewing the Plan, and securing its well-coordinated implementation, the Council concerns itself with important questions of social and economic policy affecting national development. It has laid stress on balanced development in different parts of the country, and, to this end, it has favoured decentralised industrial production, setting-up of suitable indicators of regional development as well as a continuous study of the problem of diminishing regional disparities. It has endorsed the imposition of betterment levy on areas benefited by irrigation projects. The principle of betterment levy “is now the accepted policy of the country.”<sup>13</sup> Besides, the Council is in general agreement with the policy of

<sup>11</sup> *Second Five Year Plan*, New Delhi, Planning Commission, p. XI.

Even the First Five Year Plan was placed before the Council for its approval. *Reports of the Committees of the Panel on Land Reforms*, New Delhi, Planning Commission, 1959, p. 8.

<sup>12</sup> *The Hindustan Times*, 6 November 1962, p. 12.

<sup>13</sup> *Second Five Year Plan*, p. 352.

prohibition, and has emphasized the need for framing a phased programme for its introduction. The Council has favoured the introduction of panchayati raj (democratic decentralisation) at the district and block levels, and has suggested that each State should so evolve its panchayati raj structure as would be suited to the peculiar conditions of the State. It has also expressed itself in favour of the policy of extending cooperative farming in the country, and has even laid down broad principles for guiding the organisation of cooperative farming societies and the assistance to be given to them. In November 1958 it suggested that cooperatives should be organised on the basis of the village community as the primary unit, and the village cooperative and the village panchayat should be the chief agencies for carrying out social and economic development at the village level. It also showed itself in favour of developing the cooperative movement so as to bring within its ambit all rural families by the end of the Third Five Year Plan.

The foregoing description deals with only a cross-section of the varied problems that have received the attention of the Council. In point of fact, all national problems ranging from settlement of displaced persons from East Pakistan to national emergency in the wake of the Chinese aggression on India, are considered by this body, whose recommendations are a close approximation to the 'General Will', as propounded by Rousseau. Its role in the period of national emergency has been unique. It has strengthened and mobilised the effort and resources of the entire country. The Council, for instance, declared in November 1962: "The Chief Ministers assembled here pledged the entire resources in men, money and materials of their respective States, to the making of a supreme effort to maintain inviolate the integrity of the country. We are fighting for our freedom and our honour, to save the democratic way of life adopted in our Constitution. With faith in the justness of our cause we dedicate ourselves to protect our motherland."<sup>14</sup> It may further be pointed out that the Council has kept itself alive to the need for preventing hoarding and profiteering, and checking upward swing in price level, to name only a few.

#### EVALUATION

The National Development Council functions as an advisory body

<sup>14</sup> *The Hindustan Times*, 6 November 1962, p. 12.

attached to the Planning Commission. The parliamentary reply, too, lists it as an advisory committee under the Commission. A study of its terms of reference also gives it the status of an advisory body. The nature of its membership has, however, raised misgivings about its advisory role. There are many who attribute supreme policy-making powers to the NDC. H. M. Patel, a noted administrator, observes: "Among the Advisory Bodies to the Planning Commission is included the NDC. This is surely inaccurate, as is clear from its composition. The NDC is a body obviously superior to the Planning Commission. It is, indeed, a policy-making body and its recommendations cannot but be regarded as policy-decisions and not merely as advisory suggestions."<sup>15</sup> M. Brecher also writes in the same vein: "The National Development Council was established as a supreme administrative and advisory body on planning . . . It lays down policy directives invariably approved by the Cabinet. Since their inception the NDC and its Standing Committee have virtually relegated the Planning Commission to the status of a research arm."<sup>16</sup> Similarly, S. R. Sen of the Planning Commission concedes that the NDC "is the most important policy-formulating body in the country", although *de jure*, it is an advisory organ.<sup>17</sup> K. Santhanam even goes a step further and avers: "The position of the NDC has come to approximate to that of a super-cabinet of the entire Indian federation, a Cabinet functioning for the Government of India and the Governments of all the States."<sup>18</sup>

The real effectiveness of the National Development Council is not easy to assess, as matters connected with it are all 'State secrets', not publicly known. Further, the association of the members of the Planning Commission with the Council has also obscured the part it really plays in the matter of policy-formation. Until the detailed proceedings of the Council are made public, one cannot isolate, for proper assessment, the Chief Ministers' role from that of the members of the Planning Commission. Whether the NDC is superior to the Commission or otherwise is, consequently, not so easy to determine.

<sup>15</sup> *The Indian Journal of Public Administration*, October-December 1959, p. 460.

<sup>16</sup> Brecher, M., *Nehru—A Political Biography*, London, Oxford University Press, 1959, p. 521.

<sup>17</sup> *The Indian Journal of Public Administration*, January-March 1962, p. 103.

<sup>18</sup> Santhanam, K., *Union-State Relations in India*, Bombay, Asia Publishing House, 1960, p. 47.



However, this, at least, is true that the terms of reference, given to it in 1952, have become obsolete for all practical purposes. As matters stand, the Council is actively and extensively associated with policy-making at the summit. Consisting, as it does, of the chief executives of the Central as well as State Governments, the Council occupies an obviously outstanding position on the Indian federation. Its advice naturally receives the highest consideration by both the Centre and the States, and it may not, in practice, be distinguishable from a definite mandate, although this advice, to be sure, is not backed by any legal sanction. The NDC is, thus, the apex policy-making organ of the country. However, this, in itself, hardly provides any reliable clue to its real effectiveness and strength *vis-a-vis* the Planning Commission. For, an apparently superior body might exist only, or largely, to endorse the proposals emanating from another quarter, and this, in effect, concedes real superiority to the latter. This conclusion does not appear to be too wide of the mark in the case of the NDC as well. If the effectiveness of the NDC means, as it should, the authority of the Chief Ministers, the power of the NDC is more apparent than real. Its impact may be sporadic and may manifest itself in some isolated cases only. It cannot be sustained consistently over any period of time. The Council's superiority to the Planning Commission is perhaps confined mostly to the realms of theory. In practice, the Planning Commission exercises influence and control over the Council—a belief sustained on the following reasons:

- (a) The size of the Council makes it unfit to undertake any detailed discussions of the various problems. This has been conceded even by the Prime Minister, who, while addressing the NDC in November 1962, said: "You may not at this meeting go into great details about it (the Plan) but I do hope that we shall have some discussion about it."<sup>19</sup> The Council must per force confine itself to only broad and general discussion of various issues and, in the nature of things, such a discussion cannot make a body sufficiently and consistently assertive.
- (b) The NDC is not in continuous session. It ordinarily holds two meetings in a year, each meeting lasting for two days. Although it has set up a Standing Committee which generally holds two meetings in between the meetings of the NDC,

<sup>19</sup> *The Hindustan Times*, 6 November 1962, p. 6.

it is no match to the Planning Commission which is in continuous session, so to say. The NDC cannot, therefore, develop an organic personality. Its influence, at its best, can be only intermittent whereas the power of assertion of the Planning Commission is unobtrusively pervasive and is daily felt.

- (c) The Planning Commission provides secretarial assistance to the NDC. The Council does not have its own secretariat to assist it in its work. There is, thus, the iron hand of the Commission concealed in the velvet glove of the secretariat of the Council.
- (d) Members of the Planning Commission are also the members of the NDC as well as of its Standing Committee. In a sense, therefore, the Planning Commission has got another forum for assertion of its views.

The NDC, thus, does not appear to have "relegated the Planning Commission to the status of a research arm", as Brecher would have one believe. In practice, more often than not, it is the NDC which submits to the all-pervasive discipline of the Planning Commission. To say this is, however, not to deny or belittle its role, which is outstanding, and is, further, likely to gain increasing importance as the States gain self-assertiveness.

In the end, a word may be said about the association of Jawaharlal Nehru with the NDC, and the impact of the same political party running administration both at the Centre and the States. The extraordinary influence of Nehru has never let the NDC test the Chief Ministers and the stuff of which they are made. At the meetings the latter, with probably few exceptions, generally do not evince any marked disposition to call in question the validity of the Prime Minister's views, and, thus, are never in their own. Secondly, all the Chief Ministers<sup>20</sup> as well as the Prime Minister belong to the same political party and this has inevitably induced a measure of submissiveness in the Chief Ministers towards their 'elders', which consequently does not make clear the precise status and position of the Council in the power-hierarchy.

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<sup>20</sup> It should be remembered that during 1957-59 the State of Kerala had a Communist Ministry. Its Chief Minister did show a disposition to take his own stand on certain matters.

## 10

# Informal Consultative Committees

THE need for some institutional framework with a view to associating the Members of Parliament with the processes of administration is generally felt in countries having parliamentary form of government. Such an association commends itself for its many obvious advantages. In the first place, it is calculated to reinforce the power of control exercised by Parliament over the Government as a whole. The functions of a modern government have enlarged very considerably both in respect of their nature and scope, which has led to a corresponding diminution of the effective role of the members of the legislature. The latter, denied initiation into the *minutiae* of the administrative processes are, generally speaking, not adequately equipped to exercise efficient vigilance over the government of the day. For, any uninformed criticism due to ignorance, or semi-ignorance, is bound to be pointless and, therefore, largely ineffective. Besides, the vast accretion of

legislative and other business to be dealt with by a modern legislature does not allow individual members time for active participation in discussions on the floor of the House. That, as a result, parliamentary control over government has suffered a decline seems to be a common enough feature, by no means peculiar to India alone. One of the ways of activating this role is to associate the Members of Parliament more closely with the machinery of government. In the second place, this affiliation is likely to benefit the administration as well. Exposed to the gaze of the representatives of the people, the public personnel would be under a moral compulsion not to permit themselves any deviation from the path of rectitude. The lapses of the administration may be laid hold of more easily, and cured or curbed at the incipient stage. Also, the public officials will find in this system a ready device to sound the elected members when deciding upon a policy, and, at least, know from them what the "public won't stand". Consequently, the governmental policy is more likely to be kept attuned to the popular wishes. In the third place, this association with the machinery of government benefits the Members of Parliament no less. Not only will uninformed criticism of the Government considerably abate but the members, having gained a closer insight into the processes of public administration, may acquire a better understanding of the governmental viewpoints. This would raise the level of parliamentary speeches, materially enriching their contents. This connection with the machinery of government is particularly desirable in India in view of the widespread illiteracy which occasionally projects itself in our legislative chambers as well. In short, this system would be of assistance in the political enlightenment of the Members. The proposal for a committee comprising the Members of Parliament and attached to each ministry would, from this point of view, be a well-conceived proposition. Of the two principal motives for instituting such committees, namely, controlling the bureaucracy, and assisting in the political education of the Members, the first one is perhaps of greater significance. Such a committee is an important instrument for improving the regulative mechanism of government in the widest sense. Among the devices by which Parliament could be made more resilient in controlling the all-pervasive bureaucracy, K. C. Wheare rates high "the setting-up of informal committees of members (of Parliament) covering the whole

range of administrative activity, to keep in touch with Ministers and with each other, and to discuss matters with departments concerned.”<sup>1</sup>

In addition to these, some other advantages may also ensue from the informal committees, contemplated in the preceding paragraph. These committees provide a forum for informal discussion on the principles and problems of public policies and the functioning of the administrative departments in a manner not practicable on the floor of Parliament. With strictly limited opportunities available to individual members to raise discussion or participate in debates in the Parliament, these committees may certainly provide some compensation. Besides, the informal discussion in these committees is likely to have a certain amount of influence in the shaping of policies in regard to matters of public interest and help promote individual interest in and understanding of various problems. This may probably reduce the number of parliamentary interpellations, and, thus, save time spent in asking and answering questions on the floor of the House, and, what is of even greater importance, suggest useful points for other questions. Finally, at least two more advantages may be claimed in favour of these committees. First, an individual members’ freedom of expression in the House is, at best, a theoretical one as he generally has no option but to follow party lines in his speeches, and, particularly, at the time of voting. In these committees a frank and uninhibited discussion is possible, and, as a result, the party caps are temporarily put aside. This, surely, would be a welcome arrangement. Secondly, these committees provide an opportunity for the employment of the faculties of the Members of Parliament. At present, the absence of any considerable involvement of the back-benchers with the business of government constitutes a major flaw in our parliamentary life, for many a Member moves about in a rather “functionless vacuum” resulting from a large leisure coupled with virtually nothing useful to do.

These, therefore, are the principal arguments pointing to the desirability of setting up advisory committees comprising Members of Parliament, and attached to different ministries of the Government.

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<sup>1</sup> Wheare, K. C., ‘Machinery of Government’ in *Public Administration*, London, Summer, 1946, p. 84.

In Britain Harold J. Laski<sup>2</sup> made such a proposal in 1938, and eight years later K. C. Wheare,<sup>3</sup> too, favoured the formation of such bodies. No such bodies, however, exist in that country. There are, to be sure, informal committees "consisting of members either of one (political) party or of all parties, such as study-groups concerning themselves with particular issues..."<sup>4</sup> These groups have, however, grown up spontaneously and are entirely unofficial. They, therefore, do not conform to our conception of the informal committees. It may be worthwhile to point out that there was a feeling in the thirties of the present century that such committees would be set up if the Labour Party were voted into power,<sup>5</sup> although no such bodies found favour with the Labour Government of 1945-49. The system of advisory committees is not, perhaps, entirely compatible with the presidential form of government such as that of the United States and no such committees exist in that country. The U.S. Congress, however, hardly regrets this absence. It has equipped itself with a series of standing committees to which the departmental officials are summoned to explain to the members of the Congress the points of omission as well as commission of the administration. In the words of Munroe, the Congress "may investigate anybody or anything at any time".<sup>6</sup>

<sup>2</sup> Laski wrote: "It is desirable to attach an advisory committee of members (of the House of Commons) to each department of State. It would watch the process of administration. It would make suggestions on policy for examination. It could discuss confidentially the principles of bills before the prestige of the minister became associated with each clause and schedule of their content. The value of the training for members involved in such work needs no detailed proof; it would at least assure us that man who went to the different departments as ministers had some experience of what administration implies... I am not, be it noted, suggesting the creation of committees charged with an executive function; they are, as here conceived, to be advisory only and at no point to interfere with the authority of the minister to make his decisions. But there is every reason to suppose, first, that they would, by their power to ask for information and to discuss policy, be a valuable safeguard against bureaucracy; and, second, by confidential discussion of measures before their introduction into the House, they would at once mitigate a good deal of unnecessary conflict over minutiae, and give members material for understanding which ought greatly to clarify the standard of public debate when the bill is publicly discussed." *Parliamentary Government in England*, London, George Allen & Unwin, 1938, p. 84.

<sup>3</sup> Wheare, K. C., 'Machinery of Government', in *Public Administration*, London, Summer 1946, p. 84.

<sup>4</sup> *Britain—An Official Handbook*, 1961, Edition, London, Central Office of Information, 1961, p. 34.

<sup>5</sup> Mitchison, G. R.: *The First Workers' Government*, London, Victor Gollancz, 1934, pp. 81-82.

<sup>6</sup> Munroe, William Bennett, *The Government of the United States*, New York, Macmillan, 1937, p. 347.

## INDIA

Informal committees consisting of the members of the legislative wing of the government may have some *raison d'être* only in the context of a democratic polity. Until the inauguration of the Montagu-Chelmsford Reforms of 1919, parliamentary democracy was never envisaged as the consummation of India's political aspirations. Even as late as 1909 one could hear a Lord Minto's stout disclaimer: "If it could be said that this chapter of reforms (reference is to the Minto-Morley Reforms of 1909) led directly or indirectly to the establishment of a parliamentary system in India, I, for one, would have nothing at all to do with it."<sup>7</sup> The concept of informal committees naturally could not be contemplated under such a scheme of things where the legislative councils themselves bore an essentially advisory role and 'were left with no functions but criticism'.<sup>8</sup> A decade later, however, India's destiny came to be linked up with loftier political ideals. On 20 August 1917, the Secretary of State for India made the historic announcement: "The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire."<sup>9</sup> Rightly was this announcement hailed as marking the end of one epoch and the beginning of a new one. The new dispensation offered scope for such committees and the Montagu-Chelmsford Committee was quick to favour their formation. Both the Montagu-Chelmsford Report and the Joint Select Committee Report recommended standing committees with the twin object of familiarising 'the elected members with the process of administration', and assisting 'in the political education of India'. Such committees were to be set up at the central as well as provincial (now State) levels, though to the provinces, where the beginning of responsible government was to be made under the new constitutional dispensation, was commended a

<sup>7</sup> Quoted in the *Report on Indian Constitutional Reforms* (Montagu-Chelmsford Report), 1918, para 79.

<sup>8</sup> *Ibid.*, para 81.

<sup>9</sup> Quoted in the *Report on Indian Constitutional Reforms*, para 6.

larger dose of them. Speaking for such committees in the provinces (now States), the Montagu-Chelmsford Report observed:

“Our next proposal is intended to familiarise other elected members of the legislative council, besides ministers, with the processes of administration; and also to make the relations between the executive and legislative more intimate. We propose that to each department or group of departments, whether it is placed under a member of the executive council or under a minister, there should be attached a standing committee elected by the legislative council from among their own members. Their functions would be advisory. They would not have any administrative control of departments. It would be open to the Government to refuse information when it would be inconsistent with the public interest to furnish it. We do not intend that all questions raised in the course of day-to-day administration should be referred to them; but they should see, discuss and record for the consideration of Government their opinions upon all questions of policy, all new schemes involving expenditure above a fixed limit and all annual reports upon the working of the departments. If the recommendations of the standing committee were not accepted by Government, it would, subject of course to the obligation of respecting confidence, be open to any of its members to move a resolution in the legislative council in the ordinary way. The member of the executive council or minister concerned with the subject-matter should preside over the committee, and as an exception to the rule that it should be wholly non-official, the heads of the departments concerned whether sitting in the legislative council or not should also be full members of it with the right to vote.”<sup>10</sup>

The Report suggested similar standing committees to be associated with the departments of the Central Government as well. It said:

“We wish to apply the procedure of Standing Committees. . . as far as may be to both portions of the Indian legislature. The committees would be drawn jointly from the Assembly and the Council of State. We do not overlook the difficulties entailed by the nature of many of the subjects with which the Central Government is concerned, and also by the comparative infrequency with which, owing to considerations of distance, such committees

<sup>10</sup> *Report on Indian Constitutional Reforms*, para 235.



can assemble. The fact that many matters of ordinary internal administration will in future be left to provincial Governments also limits the scope of utility of standing committees in the central legislature. We would leave it to the Government of India to decide with what departments standing committees can be associated; and to the member-in-charge to decide what matters can be referred to the committee. Our idea is that the non-official members of the Assembly and Council of State might elect by ballot in proportion to their respective strength two-thirds of the members of each Committee while Government nominates the remaining one-third. It is obvious that these committees cannot play such an important part in the work of the Government as the similar committees which we have suggested in the Provinces. It will be difficult to obtain their assistance in practice, except during the session or immediately before and after it, but we think there should be no difficulty ordinarily in obtaining their views on important new projects, whether legislative or administrative. Their functions might be determined by regulations to be made by the Governor General in Council."<sup>11</sup>

A number of Standing Committees, particularly concerning the 'transferred' subjects sprang up in the provinces. It was, however, not until 1922 that steps could be taken to implement that part of the recommendation pertaining to the machinery of the Central Government. The non-official element of the central legislature, nevertheless, continued pressing for the formation of such committees. Indeed, a non-official Resolution on Standing Committees with the Government of India was moved early in 1922. Speaking on it, Sir William Vincent, the Home Member, observed: "In conclusion, I will again ask the Assembly to accept what I have undertaken to do, namely, to request the Government of India to consider the question of attaching Advisory Committees not to departments *qua* departments, but on particular subject where the advice of such a Committee will be useful."<sup>12</sup> As a result of this, the Government of India constituted in 1922 the following four Standing Committees<sup>13</sup> composed of members

<sup>11</sup> *The Report on Indian Constitutional Reforms*, para 285.

<sup>12</sup> *Legislative Assembly Debates*, Vol. II, Part II, 19 January 1922, p. 1782.

<sup>13</sup> Vide *Notification No. F.-49*, dated 22 August 1922. *The Gazette of India*, 26 August 1922, pp. 1052-53.

of the Indian legislature, to advise the following Departments of the Government but at the same time differing from the pattern suggested by the Home Members:

- (i) Home Department;
- (ii) Department of Revenue and Agriculture;
- (iii) Department of Commerce and Industries; and
- (iv) Department of Education and Health.

The chairman of each committee was the member of the Governor-General's Executive Council in charge of the Department to which the committee was attached or an officer deputed by him to act as chairman on his behalf; and a Secretary or Deputy Secretary to the Government of India in the Department concerned was the secretary to the Committee. The Standing Committee consisted of five members of the Indian legislature of whom two were members of the Council of State and three of the Legislative Assembly. They were nominated by the member-in-charge of the Department, with the approval of the Governor-General, from separate panels, consisting of not less than ten nor more than fifteen persons. The panels were elected by the two chambers of the legislature for each committee according to the principle of proportional representation by means of a single transferable vote. The term of office of members of the committee was one year.

The following subjects were normally laid before the Standing Committees:

- (i) All Bills introduced or proposed to be introduced by non-official members of the legislature, and legislative proposals which the Department concerned intended to undertake and on which the Member-in-charge of the Department desired the advice of the Committee.
- (ii) Reports of Committees and Commissions on which the Indian legislature was not adequately represented and on which the Member-in-charge of the Department desired the advice of the Committee.
- (iii) Major questions of general policy in which the Member-in-charge of the Department desired the advice of the Committee.
- (iv) Annual Report.

In cases of urgency and for other reasons a reference to the committee could, however, be dispensed with by the Department concerned.

Cases concerning appointments and cases which the member-in-charge of the Department considered could not be placed before the Committee consistently with the public interest, were excluded from the purview of the committee.

It is difficult to assess the effectiveness of these Standing Committees.<sup>14</sup> They were advisory in character and their proceedings were strictly confidential. Nor were press representatives allowed access to the meetings of such Committees. The agenda of each meeting was drawn up and circulated by the secretary together with a memorandum explaining the nature of each item of business and copies of such papers as the member-in-charge of the Department directed to be furnished to the committee. However, such papers were as a rule returned by the members at the close of each meeting. The proceedings of the committee were confined to items of business entered in the agenda and request for further information was taken up for consideration at the discretion of the Member-in-charge.

These Standing Committees continued to function as such until 1952, *i.e.*, the first General Election. It is significant that their prestige and effectiveness substantially increased after independence, for all aspects of public administration could be—and, in practice, were—discussed in these forums. What is even more important, many a scheme proposed by the Government had to be abandoned or suitably modified because the appropriate Standing Committee would not extend its approval to it. This effectiveness is, indeed, remarkable because of the circumstance that both the ministers and the members owed their allegiance to a common political organisation—the Congress. Behind closed door, the back-bench members of the Congress could be more outspoken and even obstreperous, which to an extent, and, in a way, made up for the absence of an Opposition in the Parliament. It was not even uncommon for the members to arrange prior consultations among themselves, and then, present a united stand at the meetings of the Standing Committees, obviously to the embarrassment of both the individual Ministers and the bureaucrats. A ministry felt greatly inconvenienced having been thus exposed to the constant gaze of the Standing Committee, and no wonder that it should have been looked upon as the proverbial bone in

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<sup>14</sup> The proceedings of the Committees were treated as confidential ones and hence not available for use.

the bureaucratic meat. The Standing Committees were abolished in 1952, when a new Parliament was inaugurated under the present Constitution. These Standing Committees had, strictly speaking, a place in the political order in which the executive was not accountable to the legislature, and these were, at best, construed as mere concessions to popular feelings. Theoretically, therefore, there was no apparent reason for continuance of these bodies after 1947, when the executive became fully responsible to the legislature. "It was felt after independence that such Standing Committees were out of date and did not fit in with the constitutional changes that had taken place and the democratic pattern under which the formulation of policies and its execution became the responsibility of a Council of Ministers responsible to the Parliament."<sup>15</sup> This was the background behind the abolition of these bodies, and, in consultation with the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha, these Committees were finally wound up in 1952.

With the abolition of these committees the curtain, however, was not rung down on this system. The Government, we are given to understand, "continued to consider the question of association of Members of Parliament with the activities of the Government with a view to give them adequate knowledge of the working of the Government in its various Departments and to provide opportunities of discussions of broad policies of the Government in an informal manner."<sup>16</sup> Ultimately, the matter reached the Cabinet for final decision. At its meeting held on 14 July 1954, the Cabinet considered the question of providing to Members of Parliament opportunities for a closer insight into the working of Government and bringing them nearer to the latter. The Cabinet was of the view that while there was no need to constitute formal committees for this purpose, Ministers might meet and discuss with the members of different political parties, during parliamentary sessions, matters of general significance concerning their respective ministries. The Informal Consultative Committees were, consequently, set up in 1954, and have been in existence ever since. The underlying intention is that a number of groups, each consisting of members of different political parties in Parliament, be formed for the various ministries, and these would discuss with ministers concerned the matters of general policy and aim at a closer understanding

<sup>15</sup> *Report of the Department of Parliamentary Affairs, 1959-60*, para 6.

<sup>16</sup> *Ibid.*, para 18.

of the functioning of Government. The Informal Consultative Committees are not meant as a forum for discussion of secret matters, and a minister has the freedom to exercise his discretion as to what he should disclose. These Committees are informally consultative and advisory, and nothing is officially referred to them and kept pending till they consider it. The responsibility of constituting such committees and arranging their meetings was entrusted to the Department of Parliamentary Affairs. It was originally stipulated that such committees need not necessarily be created by all the ministries; that a committee should not ordinarily contain more than thirty members and, finally, that the members should be appointed on these committees after consultation with the leaders of various parties, and inviting names from them. These committees now form an integral part of all the ministries (except that of Law). Membership is no more confined to the originally stipulated number of thirty. And, lastly, the membership is shared on the basis of preferences indicated by the individual members, without the jutting in of the party bosses.

It may be of interest to point out that, even before 1954, there was in existence an informal group of about twenty-five members on External Affairs, and the Prime Minister had been periodically meeting it. The members of this group were consulted and kept informed about certain events which were not otherwise mentioned in Parliament or elsewhere. The system of Informal Consultative Committees, inaugurated in 1954, is, thus, an extension of the spirit and principle of this informal group. At any rate, these have not, in any way, inherited the mantle of the former Standing Committees. The latter were formal, elective, and powerful bodies. The Informal Consultative Committees are constituted on preference basis, and lack the formal status of the Standing Committees. Numerous papers used to be circulated among the members of the Standing Committees to enable them to come well posted with the details of the issues to be discussed. Few papers, if any, are distributed among the members of the informal committees. As we shall analyse later, these committees are stripped of all power and are, therefore, but a pale imitation of the former Standing Committees.

The Informal Consultative Committees were not set up by all the ministries in the beginning. In course of time, however, they have spread out, and, at present, they are attached to all the ministries

except the Ministries of Law, and of Railways. In the case of Railways the informal consultative committees have been functioning since August 1959 on the Zonal level. There are, thus, eight informal consultative committees attached to the eight zones in which the Railways have been divided for purposes of administration. Nor is there any need for such an arrangement at the national level, as the Members of Parliament are already adequately represented in the National Railway Users' Consultative Council. The formation of an informal committee for the Ministry of Railways would, therefore, be merely a duplication, with no resultant benefits. The number of Informal Consultative Committees has increased since they were first set up in 1954. This is largely due to a corresponding increase in number of central ministries, but is also to be partly explained by a desire on the part of the existing ministries to have such committees attached to each of them. The following table indicates their number at different periods:

1956	1957	1958	1959	1960	1961	1962
17 <sup>17</sup>	17 <sup>18</sup>	18 <sup>19</sup>	27 <sup>20</sup>	27 <sup>21</sup>	27 <sup>22</sup>	27 <sup>23</sup>

In the year 1963<sup>24</sup> there are twenty-seven informal consultative committees in existence, attached to the following ministries/departments of the Government of India:

1. Atomic Energy<sup>25</sup>;
2. Community Development, Panchayati Raj and Cooperation;
3. Commerce and Industry;
4. Defence;
5. Education;
6. External Affairs;
7. Food & Agriculture;
8. Finance;

<sup>17</sup> *Report of the Department of Parliamentary Affairs, Government of India, 1956-57, Appendix V.*

<sup>18</sup> *Report of the Department of Parliamentary Affairs, op. cit., 1957-58, Appendix III.*

<sup>19</sup> *Report of the Department of Parliamentary Affairs, 1958-59, op. cit., p. 4.*

<sup>20</sup> *Report of the Department of Parliamentary Affairs, 1959-60, op. cit., p. 5.*

<sup>21</sup> *Report of the Department of Parliamentary Affairs, 1960-61, op. cit., Appendix IV.*

<sup>22</sup> *Report of the Department of Parliamentary Affairs, 1961-62, op. cit., p. 6.*

<sup>23</sup> *Report of the Department of Parliamentary Affairs, 1962-63, op. cit., p. 9.*

<sup>24</sup> *Report of the Department of Parliamentary Affairs, 1962-63, para 21.*

<sup>25</sup> This Department has been in existence since 1954, but the informal committee was first constituted in 1959.

9. Health;
10. Home Affairs;
11. Information & Broadcasting;
12. Irrigation & Power;
13. Labour & Employment;
14. Planning Commission;
15. Scientific Research & Cultural Affairs;
16. Mines & Fuel;
17. Steel & Heavy Industries;
18. Transport & Communications;
19. Works, Housing & Rehabilitation;
20. Central Railway;
21. Eastern Railway;
22. Northern Railway;
23. North-Eastern Railway;
24. North-East Frontier Railway;
25. Southern Railway;
26. South-Eastern Railway; and
27. Western Railway.

The system of Informal Consultative Committees embracing almost all the central ministries hardly manifests any rigidity in respect of their size, composition of their membership, house-wise or party-wise, and the rules governing their functioning. The original stipulation of having an Informal Consultative Committee of about thirty members—twenty from Lok Sabha and ten from Rajya Sabha—could not be adhered to for long. Initially, each of them generally comprised 30/40 members drawn from both the Houses and from all the parties. The two Houses (Lok Sabha and Rajya Sabha) were represented in a committee in the ratio of 2 : 1, and the members were drawn from various political parties in proportion approximately to their strength in Parliament. In 1956, when these committees were reconstituted after the Second General Election, these restrictions were done away with. Since then, the Members of Parliament have been allowed to join these committees in accordance with their preferences and interests, and, further, to serve on more than one committee but not more than two at any one time. The members are invited to indicate first two preferences, and on this basis they are nominated on the informal committee unless it causes over-crowding in any one committee. In such a

situation nomination is made on the basis of subsequent preferences.

The membership of the Informal Consultative Committees has varied both in point of time and from committee to committee. Initially, the committees were relatively small in size. Gradually, the size has increased and, at present, it ranges between 23 in the case of the informal committee attached to the Department of Atomic Research and 100, which is the total membership of the committee on Community Development and Cooperation. If anything, the latter figure is roughly a reflection of the preponderance of members having rural background. Closely trailing behind this rather unwieldy figure is the informal committee on Food and Agriculture with its membership of 94. This number, again, is a reminder of the rural or agricultural outlook, at any rate, origin, of a majority of the Members of Parliament. On the other hand, the membership of but 23 points to the relative paucity of members having scientific background and aptitudes. As the informal committees are constituted on the basis of preferences indicated by the members, their composition may throw interesting sidelight on the interest-patterns of the members. The informal committee on Commerce and Industry consists of 95 members, and this size, again, illustrates the members' general interest in industrialisation and its hand-maid, commerce. The following table indicates the membership of the committees in 1957, when they were reconstituted after the Second General Election, and in 1959.<sup>26</sup>

SERIAL No.	COMMITTEES	MEMBERSHIP IN 1957	MEMBERSHIP IN 1959
1.	Atomic Energy	—	23
2.	Community Development & Cooperation	41	100
3.	Commerce and Industry	54	95
4.	Defence	53	77
5.	Education	58	80
6.	External Affairs	47	65
7.	Food & Agriculture	54	94
8.	Finance	40	55
9.	Health	36	48
10.	Home Affairs	60	88
11.	Information & Broadcasting	32	42
12.	Irrigation & Power	47	67
13.	Labour & Employment	49	66
14.	Planning Commission	47	80
15.	Rehabilitation	27	35

<sup>26</sup> *Report of the Department of Parliamentary Affairs, 1959-60*, p. 7.



SERIAL No.	COMMITTEES	MEMBERSHIP IN 1957	MEMBERSHIP IN 1959
16.	Scientific Research and Cultural Affairs	57	63
17.	Steel, Mines & Fuel	44	60
18.	Transport & Communications	41	68
19.	Works, Housing and Supply	16	35
20.	Central Railway	—	84
21.	Eastern Railway	—	48
22.	Northern Railway	—	81
23.	North-Eastern Railway	—	54
24.	North-East Frontier Railway	—	27
25.	Southern Railway	—	82
26.	South-Eastern Railway	—	64
27.	Western Railway	—	63

The above table reveals that most of the informal consultative committees have a bloated membership which inhibits free and frank discussion. This seeming flaw is, to an extent, neutralised by the thinness of attendance at the meetings, for usually not more than 35/45 members care to put in an appearance at those meetings. The average attendance at the meetings has not been more than twenty-two.<sup>27</sup> An informal committee usually holds two meetings during each session of Parliament. "To promote free and frank discussion in a manner which is not practicable under the constraining atmosphere of the floor of the Parliament, the Committees do not generally work on the basis of formal agenda, rules of procedure or recorded proceedings."<sup>28</sup> This, however, does not imply that the members or Ministers need not specify in advance the subjects for discussion and provide background material on them. But the committees do not take any decision, nor do they resort to voting on any matter. Their effective working, therefore, depends partly upon the interest taken by the members but mainly upon the ministers and the extent to which they are prepared to take the members into confidence. It has happened with several ministries that meetings were frequently held without any prior indication whatsoever of the subjects which might come up for discussion. Inevitably, this tended to make proceedings desultory, and also created a feeling that ministers did not evince any interest in taking members into their confidence. The scope of discussion for each

<sup>27</sup> *Report of the Department of Parliamentary Affairs, 1957-58*, p. 5. Also refer to the *Report of the Department of Parliamentary Affairs, 1958-59*, p. 4.

<sup>28</sup> *Report of the Department of Parliamentary Affairs, 1959-60*, p. 8.

meeting must invariably be indicated broadly in advance. Most informal committees now happily proceed on the basis of an agenda, which is finalised well in advance, although no uniform practice is followed in this matter too. Thus, the matters for discussion at the meeting of the consultative committee for the Ministry of External Affairs must reach three days earlier, whereas in the case of the informal committee for the Ministry of Transport and Communications the suggestions must reach ten days earlier to qualify for inclusion in the agenda. A member must send his "suggestion" (this is the word used for items sent for discussion in the meeting) on a prescribed form and all he need do is to write down the topic on which he seeks discussion or information.

Some of the ministries prepare background material on the subjects included in the agenda, and supply them to the members, so that the latter could study them and come prepared. The informal consultative committee attached to the Ministry of External Affairs, however, does not circulate the agenda in advance. The members of this committee find the agenda and other papers, if any, on the table, when they come to attend the meeting, and are obliged to leave these papers behind after the meeting.

The items for discussion obviously vary from committee to committee. In the case of the committee for External Affairs, their number is, of course, far less and scope for discussion is strictly limited because of the personality of the Prime Minister, who presides at the meetings. Naturally, no such inhibitions confront other committees. Taking the year 1959-60 for illustrating the scope for discussion, 620 items were suggested by members for discussion in the meetings of twenty-seven informal consultative committees, and these items covered "almost all activities of the Government."<sup>29</sup> Some of the items are in the nature of interpellations and are, thus, more or less substitutes for the parliamentary questions. The items suggested are, generally speaking, more specific and precisely worded and meant to seek information and/or official comments on them. The informal committee is hardly an appropriate forum for deliberations on larger questions of policy. One may have an insight into the nature of discussions in these committees from the agenda, reproduced below, for a meeting of the informal

<sup>29</sup> *Report of the Department of Parliamentary Affairs, 1959-60*, p. 8.

committee for Transport and Communications:

- “1. How many heavy vehicles are running daily between Bombay and Ahmedabad on National Highway No. 8?
2. How many accidents occurred daily between Bombay and Ahmedabad on National Highway No. 8?
3. By what rules are the employees of Himachal Government Transport governed? Are they treated as Central Government employees? If so, are all the amenities to which the Central Government Employees are eligible, made available to them?

If not; what are the rules under which they are governed?

4. Whether the Central Government has issued a circular banning their legal right to form trade unions and carry on trade union activities.
5. Main difficulties in the way of development of inter-State goods transport and measures to be adopted to overcome them.
6. Traffic of pilgrims to Badrinath—its latest position.
7. The progress made by the Neogy Committee on Transport Policy and Coordination and when the final report can be expected.
8. Arrangements for coal transport by road and rivers from Bihar and Bengal coal mines.
9. Need for the liberalisation of the inter-State motor route permits.
10. Improvement of Nagapatanam port in Madras State.
11. Whether any draft legislation has been drawn up to declare National Waterways, the steps taken in the matter.
12. The Central Government to take over the development of the inland water transport between Dhabri and Dibrugarh on the Brahmaputra river.
13. The present position with regard to utilisation of inland waterways in the river Ganga in the States of Bihar and Bengal.
14. Dredging of the Brahmaputra so that steamers may conveniently load and unload cargoes at Tezpur and Nedmatighat.
15. Anchorage at Halda:
  - (a) How many ships anchored up till now (year by year).

- (b) Quantity of food-grains discharged.
  - (c) Total labour and others employed.
  - (d) Local labour utilised (skilled, semi-skilled, etc.).
16. Very bad condition of national highway No. 8 between Baroda and Bulsar. If it is correct what steps Government wants to take to improve.
  17. National highway No. 8 which is passing through Thala village of Taluka Chikhli, District Surat which is about 166 miles from Bombay where about 56 pucca buildings, four blocks of school building, three petrol pumps and 4 wells are situated.

Now Government wants to acquire the same for widening the same highway. In that case Government will have to pay big amount as compensation, and question will arise for their rehabilitation. Besides that there are four curves within a distance of one mile. About two years back I have made representation to Roads Wing when I have submitted a plan of proposed straight Road which can be constructed at a lesser amount and pass out of this village, for which nothing has been done so far. So, I would like to know what steps Government wants to take in this matter. I am sending the plan herewith.

18. Amount paid to each State Government for road development from Central Road Development Fund since its inception and how that amount was utilised by them.
19. Arrangement of power ferry system on the river Rupnarayan till the completion of the bridge on Highway No. 6 to facilitate Road Transport from Calcutta to Kharagpur and other places.
20. Construction of missing link of Highway No. 6 in the States of Bengal and Orissa and the progress made up to date.
21. Road bridge over Ganges at Patna.
22. An inter-State road between Chupra and Deoria, whether any possibility has been examined.
23. Development and maintenance of National Highways.
24. Details and present position of the project for the erection of a road bridge on the river Jamuna at Delhi.

25. Whether any toll-tax will be levied for the use of the road bridge on Jamuna at Mathura.
26. Progress made in the construction of the Assam-Agartala, the Shillong-Badarpur, the Imphal-Silchar and the North Trunk Road in Assam.
27. Need to provide funds for constructing the remaining missing bridges on National Highway Nos. 2 and 31.
28. The road between Dibrugarh and Passighat via Jonai and up to Tuting via Pangin to be started very soon considering the importance of the strategic point of view.

There is no pucca road between Passighat and Dibrugarh via Jonai; Passighat to a place 13 miles has been constructed only for fair weather. From 13 miles to Dibrugarh there is no pucca road construction up to now. The C.P.W.D. people have not yet started the work.

29. Construction of a National Highway along the northern border of India.
30. Need for the pooling of funds for the construction of Roads and bridges obtaining with Home Ministry, Central Road Fund, State Road Funds, and Inter-State Funds in the Hill areas of Punjab.
31. Need for the grant of more money for Punjab Hill Roads by the Planning Commission.
32. Need of coordination between different States for the construction of Inter-State Roads and Bridges.
33. Necessity of widening the bridge over Bhogdoi River on National Highway No. 37.
35. What steps are being taken to have a new bridge on Narbada river near Broach on National Highway No. 8?
36. What steps are being taken to bring to the proper standard the National Highway No. 8 from Baroda to the limit of Gujarat in the South?"

The informal consultative committees, as has been indicated earlier, hold their meetings during the session of Parliament, and the ministers concerned preside. The average duration of each meeting is one and a half hours.<sup>30</sup> In 1962-63 the Department of Parliamentary Affairs

<sup>30</sup> Vide *Report of the Department of Parliamentary Affairs, 1958-59*, p. 4.

arranged 114 meetings of the informal consultative committees.<sup>31</sup> During the period of the Second Lok Sabha 487 meetings of the various informal consultative committees were held. The following table shows the distribution of the meetings held, ministry-wise as well as year-wise, during 1956-1961.<sup>32</sup>

S. No.	NAME OF MINISTRY	NUMBER OF MEETINGS					
		1956	1957	1958	1959	1960	1961
1.	Department of Atomic Energy	—	—	—	3	3	2
2.	Commerce and Industry	3	3	5	6	6	6
3.	Community Development & Cooperation	—	7	8	9	13	10
4.	Defence	3	2	5	4	4	4
5.	External Affairs	3	4	5	5	6	3
6.	Education	4	3	6	5	5	4
7.	Food & Agriculture	3	1	4	4	5	3
8.	Finance	2	2	5	7	10	4
9.	Home Affairs	1	3	4	1	3	4
10.	Health	4	5	7	6	8	6
11.	Irrigation and Power	4	2	5	3	7	5
12.	Information and Broadcasting	3	1	4	3	3	2
13.	Labour and Employment	4	3	5	7	5	4
14.	Planning Commission	3	1	3	3	4	2
15.	Rehabilitation	5	4	3	4	4	4
16.	Scientific Research and Cultural Affairs	5	—	3	6	7	4
17.	Steel, Mines & Fuel	7	4	5	7	5	5
18.	Transport and Communications	2	1	6	6	8	9
19.	Works, Housing and Supply	2	4	7	6	5	7
20.	North-Eastern Railway Zone	—	—	—	2	2	2
21.	Eastern Railway Zone	—	—	—	2	2	2
22.	Western Railway Zone	—	—	—	2	2	2
23.	Northern Railway Zone	—	—	—	2	2	2
24.	South-Eastern Railway Zone	—	—	—	2	2	2
25.	Central Railway Zone	—	—	—	2	2	2
26.	North-East Frontier Railway Zone	—	—	—	2	2	2
27.	Southern Railway Zone	—	—	—	2	2	2

<sup>31</sup> Report of the Department of Parliamentary Affairs, 1962-63, para 22.

<sup>32</sup> It would appear from this table that 487 meetings were held from 1957 to 1961. Thus, the figure of 488 as given in the Report of the Department of Parliamentary Affairs, 1961-62 (p. 7) is not correct. In 1962-63 the Department of Parliamentary Affairs arranged 114 meetings of the informal consultative committees. Report of the Department of Parliamentary Affairs, 1962-63, para 22.

S. No.	NAME OF THE MINISTRY	NUMBER OF MEETINGS					
		1956	1957	1958	1959	1960	1961
28.	Sub-Committee on Cooperation	—	—	—	2	—	—
29.	Sub-Committee on Training and Education	—	—	—	2	—	—
30.	Sub-Committee on Panchayats	—	—	—	1	—	—
31.	Sub-Committee on Community Development	—	—	—	—	—	—
TOTAL :		58	50	90	116	127	104

The meetings of the informal consultative committees are, on the whole, marked by depleted attendance, the average being not more than twenty-two.<sup>33</sup> Many factors may account for the unsatisfactory attendance at these committee meetings. In the first place, the average members do not seem to have any exalted opinion about the practical usefulness of these informal committees, and, therefore, more often than not these evoke in them little more than a languid interest in the deliberations of these committees. Faulty organization is also accountable for this state of affairs. Members have complained, time and again, that they are not informed about the subjects for discussion, and that the agenda papers for the meetings are received late, with the consequence that they cannot do justice to the items to be discussed at the meetings. Also, the meetings, are, on occasions, convened at short notice which naturally accounts for much of the slipshod and airy discussions held at these meetings. Further, it has been noticed that generally only those members, who are interested in their individual suggestions, are keen to attend the meetings. Be that as it may, this depleted attendance detracts from the usefulness of this institution, and is probably the immediate result of the ineffective nature of these committees rather than the direct cause thereof. Revealing in this context is the fact that two out of every nine backbenchers were found, on a check-up, to have kept away from this network of informal consultative committees.<sup>34</sup>

<sup>33</sup> Vide *Report of the Department of Parliamentary Affairs, 1958-59*, p. 4.

<sup>34</sup> In 1958 a check-up was made about the Members of Parliament who had not joined any of these informal consultative committees. It was found that 159 members did not join any committee. "They, of course, were invited to indicate preferences for nominations, and then they were nominated on different committees in accordance with the preferences indicated by them." *Report of the Department of Parliamentary Affairs, 1958-59*, p. 5.

Mention may also be made to the attempts to seek the association of the members of informal committees with some of the developmental activities of the day. The members of the committee for the Ministry of Works, Housing and Supply have been associated with the implementation of the housing programmes "as they (the members) could help to serve as a useful link between the State Government and the people and the State and the Centre in the matter".<sup>35</sup> Similarly, the Ministry of Community Development and Cooperation requested, in 1958, the Development Commissioners of the States to nominate the members of the informal committee of the Ministry, on consultative committees set up in their States.<sup>36</sup> All this is part of an attempt at more fully utilising the faculties of the Members of Parliament in a constructive way. Besides, the members of these committees are also occasionally taken on tours and invited at conferences, seminars,<sup>37</sup> etc., the underlying objective being to enrich their knowledge, to induce a correct appraisal of the various plans and projects, and, above all, to instil into them the feeling that they are sharers in the planned development of the country.

An assessment of the system of informal consultative committees on the basis of the scanty material available is not too easy a task. Nevertheless, some general characteristics will emerge from perusal of the published records supplemented by interview with the Members of Parliament. These committees have not been clothed with any statutory functions and they are not to take any decisions or even have recourse to voting on any matter. A minister has the absolute freedom to exercise his discretion as to what he should disclose in the meetings. These committees are apparently intended to be informally consultative and advisory, and nothing is officially referred to them and kept pending till they consider it. The functioning of these committees seems to suggest that these are bodies, bereaved of any real power, which have not lived up to the optimism one detects in the official references to

<sup>35</sup> *Report of the Department of Parliamentary Affairs, 1958-59*, p. 5.

<sup>36</sup> *Ibid.*, p. 5.

<sup>37</sup> Members of the Committee attached to the Ministry of Works, Housing and Supply are invited to attend and participate in the annually held Housing Ministers' Conference.

Also, the members of the different committees have visited Bhakra-Nangal Project, Rural Institute at Bichpuri and Agra, Central Road Research Institute Atomic Energy Reactors at Trombay, Durgapur, Bhilai, Guindy Industrial Estate (Madras), etc.

Vide *Reports of the Department of Parliamentary Affairs* for 1957-58, 1958-59, 1959-60, 1960-61 and 1961-62.



them. The Department of Parliamentary Affairs, for instance, submitted in its Annual Report for 1957-58: "Attendance at meetings of the Committees has been encouraging and there is a general feeling that the Committees have served a useful purpose in promoting closure understanding of Government's policies, programmes and Working."<sup>38</sup> Two years later, it repeated: "The working of these Committees has, it is felt, provided adequate opportunities to members to gain specialisation in subjects of different ministries in which they are interested. It is also felt that the knowledge gained by informed discussions at the Committee meetings has been helpful in toning up the level of debates and in reducing un-informed and promoting constructive criticism of policies, programmes and achievements of the Government."<sup>39</sup> Facts, however, seem to belie all such claims and expectations. Freakishness that attends the preparation of the agenda and circulation of agenda papers, thin attendance at meetings, desultory discussions, lack of uniformity with regard to the preparation of a record of proceedings and distribution thereof, too much reticence on the part of the ministers in the meetings are at once the cause, effect and proof of the general ineffectiveness of the system of informal consultative committees. Their possible utility as a training ground for future occupants of the highest political offices has never been appraised, to say the least. For one thing, there is hardly any scope for members to acquire a deeper acquaintance with the Government's policies, problems, etc. Secondly, appointments to these posts are made mostly on political considerations and certainly not on the members' performance in the meetings of an informal consultative committee. Lack of organized discussion and a general reluctance on the part of the ministers to take members into confidence, and share with them a feeling that they are playing an effective part in influencing policy decisions and contributing to better administration are hardly conducive to the promotion of individual interest in, and understanding of, various problems. Much less, consequently, is there any scope for specialisation. The expectation that the informal committee would lead to a reduction in the number of parliamentary questions has been belied, once and for all, by the phenomenon of ever-increasing number of parliamentary interpellations tabled and answered on the floors of

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<sup>38</sup> *Report of the Department of Parliamentary Affairs, 1957-58*, p. 5.

<sup>39</sup> *Report of the Department of Parliamentary Affairs, 1959-60*, p. 8.

the two Houses.<sup>40</sup> It is, however, more probable that these committees have served to divert some of the questions from Parliament to their own forums. This, at best, is a superficial satisfaction. The diversion has not relieved the administrative machinery of any burden, for the bureaucrats have had to spend time and energy in compiling answers. The apparent difference has been that instead of answering questions on the floor, the venue for this has shifted to the informal consultative committee. In a very real sense, therefore, this only has robbed a question of its publicity value and, thus, one of the chief merits of parliamentary interpellations has been lost in the process. The inadequacy of this system of informal consultative committees has been thus voiced by R. K. Khadilkar:

“We must evolve new methods. British conventions are based on their experience. When I find Members moving in a sort of functionless vacuum in this House, harbouring all sorts of frustrations and obsessions, my humble submission is that they do not feel they have any opportunity to go near the Government, share their experience and participate in taking decisions. Hence, my submission to the Chair is that we must move in the matter and as a first step, constitute Standing Committees for all departments of Government. That will give them a sense of active participation and they will be a party to decisions taken. They will not be, as at the present moment they are, moving about, not getting educated because you do not provide them an

<sup>40</sup> That there has been no decline in the number of questions is well illustrated from the following table which shows the number of questions in the Lok Sabha during the period 1953-61.

Year	No. of Questions
First Lok Sabha	
1953	8,033
1954	8,247
1955	9,907
1956	11,849
Second Lok Sabha	
1957	8,310
1958	13,806
1959	13,992
1960	12,212
1961	14,480

Vide *First Parliament 1952-57, A Souvenir*, New Delhi, Lok Sabha Secretariat, 1957, Appendix VIII; “*Second Lok Sabha—Activities and Achievements*”, New Delhi, Lok Sabha Secretariat, 1962, Table XIII.

opportunity. The administration is vast and intricate. You must provide them this opportunity by reviving the Standing Committees of the House.”<sup>41</sup>

And, finally, it may be noted that at least one political party is publicly committed to reviving the system of Standing Committees of yore. “The Communist party demands that there must be Standing Committees in Parliament and in the State Legislatures with requisite statutory powers so that all parties and groups represented in the legislature may be directly and actively associated with the initiation and formulation of policies by different ministries and Government. Such Committees should also have the power to review the implementation of Government policies and the work of the administration.”<sup>42</sup> Viewed against this general background of growing dissatisfaction with the system of informal consultative committees may appear a bit comic the following recommendation of the Fourth All India Whips conference (1962):

“In order to promote specialisation amongst the Members and associate them with the working of various departments, we suggest that Informal Consultative Committees should be constituted in the state legislatures also on the pattern of the similar Committees which are functioning at the Centre.”<sup>43</sup>

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<sup>41</sup> *Lok Sabha Debates*, First Session, 1 May 1962, Vol. II, No. 12, Col. 1900-1901.

<sup>42</sup> Election Manifesto (Third General Election) of the Communist Party of India, reproduced in Maheshwari, Shriram: *The General Election in India*, Allahabad, Chaitanya Publishing House, 1963, pp. 165-66.

<sup>43</sup> The recommendations of this Conference have been reproduced in the *Report of the Department of Parliamentary Affairs*, 1962-63, Appendix IV, p. 31.

# 11

## Territorial Committees<sup>1</sup>

THE territorial committees<sup>2</sup> represent an altogether different type of advisory committees, as they are distinctly unique in their character and composition as well as in their functions. A clear understanding of these committees is, however, not possible without a reference to the historical circumstances of which they have, in the main, been the offshoots. These committees are territorial committees as each of the following five centrally-administered territories—Delhi, Himachal Pradesh (emerged as a State in 1971), Tripura (emerged as a State in 1972), Manipur (emerged as a State in 1972) and the Andaman and Nicobar Islands—has such a committee, advisory in

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<sup>1</sup> This chapter is based upon the present writer's perusal of the proceedings of these committees.

<sup>2</sup> The territorial committees should be distinguished from the Territorial Councils established, under the *Territorial Councils Act*, 1956, in Himachal Pradesh, Manipur and Tripura.

character, and functioning for the entire territory. Except the Andaman and Nicobar Islands, all these territories formed what were called Part C States at the commencement of the Constitution, while two of them—Delhi and Himachal Pradesh—had each an elected legislature as well as a council of ministers. Tripura, Manipur, and the Andaman and Nicobar Islands, however, could not boast of such democratic institutions. Each of them had, instead, 'Advisers' to the Chief Commissioner. It may be recalled that Part C States were under the direct control of the Central Government which was administering them through the Chief Commissioners (Delhi, Tripura, Manipur, and Andaman and Nicobar Islands) or the Lieutenant-Governor (Himachal Pradesh). Explaining the administrative set-up in these territories, the States Reorganisation Commission (1953-55) wrote: "The Part C States of the Indian Union are also centrally administered but have certain special features of their own. Firstly, notwithstanding the fact that these States are not autonomous in the sense in which the other States are, they have been given the status of constituent units of the Indian Union and as such have full representations in both the Houses of Parliament. Secondly, they are called States . . . . The present position is that the Central Government is, for legal purposes, the repository of all power and is responsible for the entire administrative field so far as the Part C States are concerned. All the same, in several of these States, there are local ministries responsible to their respective legislatures in the States field of administration."<sup>3</sup> The Commission suggested, *inter alia*, far-reaching changes in the administrative and political set-up of these (Part C) States. It recommended that :

- (i) Delhi should be a centrally-administered area<sup>4</sup>;
- (ii) Himachal Pradesh should be merged into Punjab<sup>5</sup>;
- (iii) Tripura should be merged into Assam<sup>6</sup>;
- (iv) Manipur should continue as a centrally-administered area "for the time being"<sup>7</sup>;

<sup>3</sup> *Report of the States Reorganisation Commission*, Delhi, Manager of Publications, 1955, pp. 77-78.

<sup>4</sup> *Ibid.*, p. 161.

<sup>5</sup> *Ibid.*, p. 152. It is, however, to be noted that Fazl Ali, the chairman of the Commission, was in favour of retaining Himachal Pradesh as a centrally-administered territory. Vide his 'Note on Himachal Pradesh' in the *Report*, pp. 238-43.

<sup>6</sup> *Ibid.*, p. 192.

<sup>7</sup> *Ibid.*, p. 197.

(v) “... there does not appear to be any case for disturbing the *status quo*”<sup>8</sup> in the Andaman and Nicobar Islands.

The Commission, thus, recommended that only 3 territories—Delhi, Manipur, and Andaman and Nicobar Islands—should be centrally-administered ones. The States Reorganisation Act, 1956, however, marked a departure from these recommendations, and made the above-mentioned territories as centrally-administered ones.

While denying them statehood, the States Reorganisation Commission, however, envisaged the setting up of some sort of advisory committees to associate the people with administration. It observed: “Democracy in these areas should take the form of the people being associated with the administration in an advisory rather than a directive capacity. The “territories” may, therefore, have advisory bodies suitable to their requirements.”<sup>9</sup> In the course of discussion in Parliament on the Commission’s Report, several members generally regretted the official decision to do away with Part C States. Also, accompanying this feeling had been some furtive demand for associating the people of these territories with administration. For instance, a Member made such a plea in the Lok Sabha: “I would suggest that we should devise some method by which even these union territories may have some popular organisations so that their opinions also may be voiced and the administration may be directed in such a manner that there will be no strong agitation saying that their views have not been taken into consideration.”<sup>10</sup>

The States Reorganisation Act came into force on 1 November 1956. A week later, the Government announced the formation of an advisory committee in respect of the Union Territory of Delhi “to be associated with the Minister of Home Affairs who will be responsible for the administration of the Union Territories”.<sup>11</sup> This committee was the harbinger of similar arrangement in respect of the remaining territories as well. Thus, an advisory Committee was constituted for each of the following centrally-administered territories: Himachal

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<sup>8</sup> *Report of the States Reorganisation Commission, op. cit.*, p. 203.

<sup>9</sup> *Ibid.*, p. 79.

<sup>10</sup> K. T. Achuthan’s speech, *Lok Sabha Debates*, Twelfth Session, Vol. IV, Part II, 23 April 1956, col. 6129.

<sup>11</sup> *Resolution No. 19/30/56-SRI*, dated 8 November 1956, Ministry of Home Affairs.

Pradesh,<sup>12</sup> Tripura,<sup>13</sup> and Manipur<sup>14</sup>—on 22 November 1956. Five years later, such an arrangement was also extended to the Andaman and Nicobar Islands. It is necessary to point out here that there has been in existence, since 1958, an advisory council for the Laccadive, Minicoy, and Amindivi Islands but this body is not cast in the same mould<sup>15</sup> and, is, consequently, not relevant to our discussion.

There are, therefore, the following five advisory committees in existence at present:

1. Advisory Committee for Delhi;
2. Advisory Committee for Himachal Pradesh;
3. Advisory Committee for Tripura;
4. Advisory Committee for Manipur; and
5. Advisory Committee for Andaman and Nicobar Islands.

These committees are engaged in performing identical functions and, besides, they follow the same broad pattern with regard to their composition. Each committee comprises Members of Parliament (belonging to both the Houses) representing the territory, head of the local administration (Chief Commissioner of Lieutenant-Governor, as the case may be), head of the local government (Mayor of the Corporation, Chairman of the Territorial Council, or President of the Municipal Board), and one or two other members according to the requirements of each territory. Thus, they follow the same broad pattern, allowing, no doubt, a certain amount of flexibility in matters of composition. The Advisory Committee for Delhi, thus, consists of:

- (i) all Members of Parliament representing Delhi;
- (ii) Chief Commissioner of Delhi;
- (iii) Vice-Chancellor of the University of Delhi;
- (iv) Mayor of the Delhi Municipal Corporation; and
- (v) Senior Vice-President of the New Delhi Municipal Committee.

The composition of the remaining four committees is as follows:

#### A. ADVISORY COMMITTEE FOR HIMACHAL PRADESH

- (i) all Members of Parliament representing Himachal Pradesh;
- (ii) Lieutenant-Governor of Himachal Pradesh;
- (iii) One representative of the Bhakra Control Board; and

<sup>12</sup> *Resolution No. 19/30(I)56-SRI*, dated 22 November 1956, Ministry of Home Affairs.

<sup>13</sup> *Resolution No. 19/30(III)56*, dated 22 November 1956, Ministry of Home Affairs.

<sup>14</sup> *Resolution No. 19/30(II)56*, dated 22 November 1956, Ministry of Home Affairs.

<sup>15</sup> Its terms of reference are reproduced in Chapter I.

- (iv) Chairman of the Territorial Council for Himachal Pradesh.
- B. ADVISORY COMMITTEE FOR TRIPURA
- (i) All Members of Parliament representing Tripura;
  - (ii) Chief Commissioner of Tripura; and
  - (iii) Chairman of the Territorial Council for Tripura.
- C. ADVISORY COMMITTEE FOR MANIPUR
- (i) All Members of Parliament representing Manipur;
  - (ii) Chief Commissioner of Manipur; and
  - (iii) Chairman of the Municipal Board, Imphal, Manipur.
- D. ADVISORY COMMITTEE FOR ANDAMAN AND NICOBAR ISLANDS
- (i) Member of Parliament, nominated by the President to represent Andaman and Nicobar Islands;
  - (ii) Chief Commissioner of Andaman and Nicobar Islands;
  - (iii) Senior Vice-Chairman of Municipal Board, Port Blair; and
  - (iv) Three other persons.

While what is said in the pages that follow applies more or less to all the four committees, the same cannot, however, be predicted of the committee for Andaman and Nicobar Islands. The last-named committee is a nominated body, and does not appear to be effective in its functioning. The observations that are made here have reference mostly to the committees for Delhi, Himachal Pradesh, Tripura, and Manipur. Secondly, although these observations apply, no doubt, to the committee for Delhi, frequent references have not been made to it. This committee has been dealt with separately.

#### PROCEDURAL MATTERS

The Minister of Home Affairs<sup>16</sup> is the chairman of all these committees, and he presides at the meeting. Although there is a provision that the Minister of State (Ministry of Home Affairs) shall preside at the meetings in the absence of the Home Minister, the former Home Minister (Govind Ballabh Pant) had made it a point to attend all the meetings, which incidentally invested these committees with a measure of prestige. The meetings are held at such place and time as the Home Minister may direct. Most of the meetings have, however, been held at Delhi. Of late, it seems, this policy has

<sup>16</sup> A more handy term 'Home Minister' has been used in the rest of the discussion.



undergone a change, and the committees have started meeting in their own territories. The venue of Delhi was chosen in consideration of the former Home Minister's indifferent health which did not permit journeying to farflung territories like Tripura, Manipur, and the Andaman.

Matters are brought before the meeting of the committee only by the direction of the Home Minister whose decision on the question whether any matter falls within the purview of the committee or not is considered to be final. A member who wishes to bring any matter before the meeting of the committee, specifies it in a memorandum indicating the salient facts and the points for consideration, and sends it to the secretary who obtains the Minister's direction thereon. When, however, a matter is suggested by the Ministry, the secretary similarly prepares a memorandum. The memorandum and such other papers as may be necessary for the consideration of the matter are then circulated to the members "at least one week before the date of the meeting".<sup>17</sup> This time-schedule is, however, more honoured in the breach than in the observance and the late despatch of agenda has been a recurring theme of complaint in all the committees. Further, the members have also fretted over the non-inclusion, for no apparent reason, of their proposals in the agenda.

The agenda of a meeting consists of items: (i) proposed by the Central ministries including the Home Ministry; (ii) proposed by the local Administration; and (iii) proposed by the members. The secretary follows a certain system in preparing the agenda. Items relating to legislation and administration are taken up first as these receive priority. Thereafter there are important and urgent matters of business received from the local Administration. The members' proposals are normally tagged on to the tail-end of the agenda. Perhaps, as a matter of deliberate policy, the questions figure at the top of the agenda.

The members of the committees for Delhi, Tripura, and Manipur have rights in regard to interpellations analogous to those of the members of a state legislature. A member, who wishes to ask a question at a meeting, sends it in writing to the secretary atleast ten days before the date of the meeting, and also furnishes simultaneously

<sup>17</sup> The rules, however, provide that "where the matter requires urgent consideration, the said period of one week may be reduced by order of the (Home) Minister".

a copy thereof to the Chief Commissioner. The ten-day rule has been, however, very often flouted in practice. It has happened many times that questions, sent more than a fortnight before the date of the meeting, have not figured on the agenda, causing evidently much irritation to the members. Questions should relate only to the administration of the territory in the State field, and should satisfy the following conditions:

A question shall not

1. bring in any name or statement not strictly necessary to make the questions intelligible;
2. contain arguments, inferences, ironical or offensive expressions or defamatory statements;
3. ask for an expression of opinion or the solution of a hypothetical proposition or for a legal interpretation of statute, rule or bye-law;
4. refer to the character or conduct of any person except in his official or public capacity;
5. be of excessive length;
6. repeat in substance a question already answered or to which an answer has been refused;
7. require information set forth in accessible documents or in ordinary works of reference;
8. ask for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India;
9. refer to the conduct of any judge or a court of law having jurisdiction in any part of India in the exercise of his or its judicial function;
10. make or imply a charge of a personal character;
11. ordinarily seek information on matters of past history;
12. except when a matter of principle is involved, relate to individual cases;
13. relate to day-to-day administration of local bodies or other semi-autonomous bodies;
14. seek information about matters which in their nature are secret, such as, decisions or proceedings of the Cabinet, advice given to the Chief Commissioner by law officers and other similar subjects;
15. ask whether a statement in the press or of a private individual

- or of non-official body is accurate;
16. raise questions of policy too large to be dealt within the limits of an answer to a question;
  17. be, in substance, a suggestion or request for any particular action to be taken;
  18. relate to the exercise of any power or discretion vesting in the Home Minister as Chairman of the committee.

The decision of the Home Minister on the admissibility of a question is considered to be final. Further, he may disallow any question which, in his opinion, is an abuse of the right of interpellation. Ordinarily, written answers are provided but when answers are given orally, supplementary questions may be put, with the permission of the chairman, for the purpose of elucidating any matters of fact. Questions are taken up at the commencement of each sitting and such time not exceeding an hour, as the chairman may consider necessary, is allotted for answering them.

The Resolutions setting up these committees require them to meet "at intervals of not more than three months". Feeling that this interval was too long, the committee for Delhi even decided to meet at least once in every alternate month—"that (to hold meeting once in two months) will be another encouragement to the people," as a member speculated. Notwithstanding this provision, all these committees have been meeting irregularly and it is not altogether uncommon to find the successive meetings at intervals of more than six months. This time-lag in the holding of these meetings has, surely, aroused the members' indignation, and, despite official assurances to mend such a state of affairs, the committees have continued to meet erratically.

As regards the problem of attendance, no committee, other than the one for Tripura, has had to face it. Attendance at meetings has been, on the whole, satisfactory. The committee for Tripura, however, had more than once come up against this difficulty of getting the members together. To discourage members' abstentions from the meetings, this committee has laid down that if a member does not attend any three consecutive meetings, the items proposed by him for inclusion in the agenda would not be accepted. It is interesting, in this context, to recall that on two occasions none of the non-official members of this committee put in an appearance,

resulting, thus, in the adjournment of the meetings.

The proceedings of these committees are treated as secret. After a meeting of the committee, however, the secretary releases to the press such information about the transaction of business at the meeting as the chairman may desire. Besides, he maintains *verbatim* records of the proceedings of each meeting and prepares a summary<sup>18</sup> from them, which is forwarded to every member. It may also be mentioned here that this summary includes a record of the questions asked and the answers given.

#### ARE THESE COMMITTEES PARLIAMENTARY COMMITTEES ?

The former chairman of these committees referred to these committees as committees of Parliament. At the inaugural meeting of the committee for Delhi, he gave an impression that these committees were "parliamentary" ones. He said: "We have got the opportunity and the Parliament has given us this opportunity for rendering such service as we can.... Let us hope that Providence will help us in the discharge of our duties and that we will make our endeavours to prove worthy of the confidence that has been reposed in us by Parliament and by the people of Delhi." On another occasion, while opposing a member's demand for a change in its nomenclature, and for calling it *Advisory Council*, he observed: "In Parliament, we use the word 'committee' not 'council'." It, therefore, calls for discussion whether these committees are really the committees of that august body. It may be recalled that these committees were created by a Resolution issued from the Ministry of Home Affairs. Thus, they have not been formed under any mandate from Parliament. Nor is their composition determined by the latter. Each committee had, no doubt, on it Members of Parliament representing the territory, but there are, be it noted, other members as well. Unlike an informal consultative committee, it is, thus, not exclusively composed of the Members of Parliament. Lastly, it does not submit any report to Parliament, and in fact the latter has no legal knowledge of the existence of this committee. There is no organic relationship between

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<sup>18</sup> There is no single, uniformly-used expression. The words 'summary', 'summary records', 'minutes', 'proceedings' are used rather interchangeably. The word 'summary', however, seems to convey the sense more precisely.

Parliament and the committee. It is, therefore, apparent enough that these committees have been set up by the executive, and may not be regarded as parliamentary committees.

#### OFFICIALS IN THE MEETINGS

The meetings of these committees are invariably attended by officials of both the Central Government and the local Administration, although, in view of the attachment of these committees to the Central Government, the officials of the Central Government are far more numerous than their counterparts in the local Administration. The officials' presence in the meetings is anticipated in the rules of procedure which provide that the Home Minister "may direct any officer of the Government to attend any meeting of the committee". As the administrative ministries have direct responsibilities in administering programmes concerning them, it is incumbent on the officials of the different ministries having concern with matters to be discussed at the meeting that they should attend and explain their viewpoint. In particular, the officials of the Ministry of Finance and of the Planning Commission are asked to attend almost all the meetings. The following table indicates the number of officials attending the meetings of the committees for Himachal Pradesh, Tripura, and Manipur.<sup>19</sup>

#### COMMITTEE FOR HIMACHAL PRADESH

SERIAL No.	MONTH IN WHICH HELD	NO. OF OFFICIALS
1	February 1957	13
2	September 1957	6
3	February 1958	24
4	September 1958	20
5	December 1958	22
6	February 1959	28
7	July 1959	24
8	December 1959	21
9	February 1960	23
10	October 1960	26
11	February 1961	35
12	October 1961	...
13	March 1962	29

<sup>19</sup> The officials' attendance at the meetings of the committee for Delhi has been referred to in Chapter V.

**COMMITTEE FOR TRIPURA**

SERIAL No.	MONTH IN WHICH HELD	NO. OF OFFICIALS
1	March 1957	15
2	September 1957	9
3	December 1957	18
4	February 1958	21
5	September 1958	19
6	December 1958	29
7	February 1959	27
8	July 1959	26
9	December 1959	meeting was adjourned
10	February 1960	
11	October 1960	16
12	February 1961	30
13	June 1961	18
14	March 1962	meeting was adjourned

**COMMITTEE FOR MANIPUR**

1	February 1957	3
2	May 1957	15
3	September 1957	16
4	December 1957	17
5	February 1958	17
6	September 1958	22
7	December 1958	15
8	February 1959	27
9	July 1959	27
10	December 1959	19
11	February 1960	26
12	October 1960	16
13	February 1961	36
14	June 1961	25
15	March 1962	...

**COMMITTEE FOR ANDAMAN AND NICOBAR ISLANDS**

1	July 1961	23
2	March 1962	36

It is, thus, evident that the number of bureaucrats attending these meetings has been progressively increasing and, what is more, the agenda of a particular meeting may not always warrant the presence of at least some of them who attend the meeting. A perusal of the (verbatim) proceedings of some of the meetings will often reveal that a considerable proportion of these who attend do not at all participate in the discussion. Also, with a large army of officials a meeting begins to assume the appearance of a big conference inhibiting detailed

and frank discussion. Not only this. A large attendance creates something of a tension on the speaker's mind. Further, an incident which happened in the committee for Himachal Pradesh may well be a portent for similar happenings elsewhere. In a meeting of this committee, some of the officials were not serious and their occasional smiles and jeers caused annoyance to a member who at once complained: "It is not good on the part of these officials to laugh and jeer in this way. I dare say, this is most undesirable." Even the chairman had to warn: "This (laughing and jeering) must stop."

#### FUNCTIONS OF THESE COMMITTEES

As mentioned earlier, these committees are engaged in performing identical functions in respect of their territories. They are consulted in regard to:

- (i) general questions of policy relating to the administration of the territory in the State field;
- (ii) all legislative proposals concerning the territory in regard to matters in the State List including proposals to extend any State Acts to the territory;
- (iii) such matters relating to the annual financial statement of the Union insofar as it concerns the territory and such other financial questions as may be specified in rules prescribed by the President;
- (iv) any other matter on which it may be considered necessary or desirable by the Home Minister that the Advisory Committee should be consulted.

In addition to the similar terms of reference of these committees, there exists a uniform pattern in many other matters as well. The Home Minister is the chairman of all the committees. These committees are required to meet at intervals of not more than three months.<sup>20</sup> There is a provision in the committees empowering their members to put interpellations analogous to those of members of a state legislature.<sup>21</sup> Finally, the common secretariat of these

<sup>20</sup> The committee for Delhi, however, decided to hold a meeting in every alternate month.

<sup>21</sup> The Advisory Committee for Himachal Pradesh voluntarily decided, however, to delete this provision, as it was believed by the member that the existence of the provision

committees (there is an advisory committee cell in the Ministry of Home Affairs, which attends to matters pertaining to all of these committees) also fosters, almost unconsciously, a broad uniformity of approach in many other matters, particularly those which have not been defined by the Resolution or by the rules of procedure.

The territorial committees are, thus, cast in the same broad image. Their terms of reference clearly disclose that they are, basically, legislative bodies performing both legislative and financial functions in addition to discussing questions of policy relating to the administration of the territory, and putting interpellations.

The legislative functions of these committees include discussing all items of legislation concerning the union territories. Legislation may take either of the two forms: (i) extension of State Acts to the Union territories; and (ii) legislative measure which is to be promoted in Parliament. It may be pointed out that the Central Government may extend, by notification, an existing State Act to any Union territory.<sup>22</sup> The cases of extension of State Acts to the centrally-administered territories and the draft bills for introduction in Parliament are both placed before the appropriate advisory committee for its consideration. The demand made by the legislative function on the Committee's time is manifest from the following list which indicates the total number of cases of extension as well as draft bills, each committee has considered during the period ending with the Second Lok Sabha:

1. Advisory Committee for Delhi	25
2. Advisory Committee for Himachal Pradesh	20
3. Advisory Committee for Tripura	16
4. Advisory Committee for Manipur	18
5. Advisory Committee for Andaman and Nicobar Islands	1

*(Continued from previous page)*

relating to questions was likely to render the business of the committee less informal and business-like than was intended, and, further, might also indicate the existence of a gulf between members of a committee and the administration. Also, this provision does not exist in the case of the Committee for the Andaman and Nicobar Islands.

<sup>22</sup> Section 2 of the *Part C States (Laws) Act*, 1950 says: "The Central Government may, by notification in the Official Gazette, extend to any Part C State (. . . .) or to any part of such State, with such restrictions and modifications as it thinks fit, any enactment which is in force in a Part A State at the date of the notification; and provision may be made in any enactment so extended for the repeal or amendment of any corresponding law (other than a Central Act) which is for the time being applicable to that Part C State."



Although one of the functions of the advisory committee is to discuss a State enactment before it is extended to its territory, or the draft of a bill before it is introduced in Parliament, its role in this respect is not very significant, it being frankly of only a nominal importance. Such measures are generally sponsored by the Government, the members' role being confined mostly to according approval to them. In cases of extension of State Acts, the prior assumption is that no substantive changes may be introduced in the Act when extended. At best, the changes should be of a strictly local nature. Consequently, the members of the committee have had to function under restricted terms. No such handicaps, however, confront the members in the case of draft bills which are yet to be introduced in Parliament. A perusal of the proceedings indicates that the members do not have any large say in such matters as well. It, thus, appears that the role of the advisory committee in legislative matters is nominal, although minor victories may sometimes be won—or, more correctly, conceded. One such victory was scored in the case of the extension of the Bombay Moneylenders Act, 1946 to Tripura. The purport of this statute was to provide relief to the debtors so that they did not have to pay heavy interest, and their loans could be liquidated on their paying a reasonable amount. A member opposed the provision in this Act regarding the recovery of "out-of-pocket expenses" incurred by moneylender in case of secured loans on the ground that in the name of "out-of-pocket expenses", the moneylenders might extract something extra from the debtor. When it was suggested that the entire clause might be deleted, he opposed it, adding that, in the absence of any clear provision as to what was to be charged, and what charges were to be prohibited, the moneylender would recover all the money from the debtor according to his usual practice. His suggestion, therefore, was that the restrictions should be there but the words "out-of-pocket expenses" may be deleted. Accordingly, it was agreed that reference to "out-of-pocket expenses" in that section could be deleted. Similarly, the maximum holding of 33 acres provided for the Tripura Estates Acquisition and Land Reforms Bill, 1957, was reduced to 25 acres at the instance of a member.

The advisory committee can, however, never override the Government's determination to extend an Act, or to introduce a fresh enactment. The West Bengal Security Act, 1950 was extended to Manipur,

although almost all the members of the committee opposed the proposal for its extension. When their opposition proved of little avail, a member said in sheer exasperation: "Either you postpone it (the Act) to the next meeting of the Advisory Committee or do as you like . . . . It must be recorded that we wanted postponement and wanted some time."

Normally, the committee has an opportunity to discuss all Acts before they are extended to its territory, and all bills before they are introduced in Parliament. It, however, appears that the Government has the freedom to bypass it under some circumstances. Thus, the bill validating the Himachal Pradesh Abolition of Big Landed and Land Reforms Act did not come up before the committee for its consideration. Nevertheless, the circumstances attending this measure were somewhat of an exceptional nature. The Supreme Court had invalidated some Acts, including the above one, passed by the Himachal Pradesh Legislative Assembly. Just after this verdict the Central Government issued an ordinance, making those impugned Acts valid. Subsequently, the Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Bill was introduced in Parliament to legalise those invalid Acts. This bill was not put up before the appropriate committee, and this bypassing, to be sure, did evoke protests from the members.

The legislative leadership in the committee, thus, securely rests with the executive. Once in a while, however, one may see some enterprising member himself initiating legislative measures. Success, however, has never attended such attempts. A member had submitted a Union Territories (Laws) Amendment Bill, 1958 in the committee for Manipur, which, however, soon came to grief. Similarly, in the committee for Tripura a member made an unsuccessful bid to get the Assam Rural Panchayat Act, 1948 extended to Tripura.

Before passing on to another function of the committee, it may be of interest to refer to the procedure followed in discussing these legislative measures. The committee does not discuss a bill or a State Act clause-by-clause, as is done in Parliament. Such a discussion is not necessary either. In case of extension of an Act, a detailed discussion is unwarranted, for only minor adaptations to meet local requirements are permissible. And, so far as a bill is concerned, it is ultimately to be introduced in Parliament where a detailed

clause-by-clause discussion already awaits it. Explaining the procedure, the chairman said in the committee for Himachal Pradesh: "The procedure is that if there is any suggestion with regard to any clause, that should be considered; if not, we assume that you (the members) agree."

The financial function of the committee consists in discussing the budget proposals—"the forecast of revenue and expenditure", to use the official jargon—in respect of the territory concerned before their presentation in Parliament. For this purpose, all the five committees meet in February, and this meeting is commonly known as the budget meeting. The role of the committee in financial matters is not at all an effective one. This is natural and understandable, if we recall that even Parliament, today, finds itself incapable of effecting any change in the budget proposals as initiated by the Government. This occasion is rather utilised by the members in reviewing the entire range of administrative activities and policies, and criticising the Government for its various acts of omission and commission, and, finally, in seeking redress of grievances. Nevertheless, the principle that the committee is to be consulted on the budget proposals for the territory before their introduction in Parliament is obviously of a piece with similar parliamentary prerogative, and, further, gives it an importance altogether unusual for an advisory committee. As regards the budget, it is certainly not necessary that it should come up before the committee exactly in the shape and form in which it is presented to Parliament but, all the same, the committee has an opportunity to examine the proposals in respect of the territory. These proposals are certainly not kept pending if the committee cannot meet for any reasons. This once happened with the committee for Tripura. As none of the non-official members showed up in a particular budget meeting, the committee could not meet, and the budget, in consequence, was taken as approved. "Technical consultations have been made" was the chairman's comment while leaving the committee room.

The budget proposals are received by the administrative ministries from the local Administration. These proposals are then vetted in consultation with the administrative ministries concerned, the Planning Commission, and the Ministry of Finance so as to fit them into the overall pattern of development and available financial resources. They

are put up before the appropriate committee only after the Ministry of Finance has finalised them. As the proposals get ready only a few days before the presentation of the budget in Parliament, they are circulated to the members very late, and, also, the committee meets at short notice. This procedure accounts for the following consequences. First, the budget papers get ready for circulation very late, and, as a matter of fact, they are received by the members only a day or two before the date of meeting. Obviously, the members attend the meeting without being well posted with the details of the budget. Secondly, as the budget proposals are put up before the committee after the Ministry of Finance has put on them the stamp of finality, the discussion in the meeting is inevitably characterised by a sense of futility. As no change at this stage is normally possible in the budget, the committee virtually meets to face a *fait accompli*. It is possible that these consequences may not at all arise if the consultation stage is moved backward. In other words, the meeting of the committee should be convened soon after the receipt of these proposals from the local Administration. This implies that the budget proposals should be considered by the committee before these are forwarded to the Ministry of Finance which can, then, finalise them in the light of the members' suggestions. This, however, does not solve the entire problem. The local Administration is given to putting "padded" demands in the expectation that, even after necessary "vetting" by the Ministry of Finance, it will succeed in getting an amount adequate for its administrative needs. In the process, therefore, considerable reductions and alterations are not a surprise. To consult the committee on the budget proposals before the Ministry of Finance has finalised them may amount to preparing them for ultimate disappointment, when the actual budget is presented to Parliament. Yet, greater advantage, perhaps, lies in favour of an early consultation even at the risk of a measure of ultimate discomfiture. Of course, the dismay may be obviated if the local Administration takes to tight budgeting, and the Ministry of Finance encourages such efforts.

It is necessary, at the same time, that fuller budgetary information than is at present vouchsafed should be made available to the members in order to make the budget discussion more detailed. At present, the explanatory memoranda accompanying the budget closely follow the pattern of the explanatory memoranda to the budget of the Central Government. As the advisory committee deals with a much smaller

budget, the explanatory memoranda should be more elaborate and should clearly explain the various items figuring under the budget.

An important problem arising out of these committees' association with the budget discussion remains to be considered. According to the rules, the budget is a secret document until it is presented to Parliament. Its premature disclosure, in any form, is both a penal offence and a violation of the parliamentary prerogative. Consequently, the committee's discussion of the budget proposals in respect of the territory apparently constitutes a constitutional anomaly. Although in the official jargon it is the "forecast budget" which is discussed in the committee, it, however, does not make any essential difference in the situation. Many times, these proposals, particularly those in respect of Delhi and Himachal Pradesh, have leaked out in the Press.<sup>23</sup> This, surely, is a grave issue. Although the budget papers are now re-collected by the Ministry after the meeting, and the members, consequently, do not take them home, the inherent anomaly and the fear of leakage are always there.

The legislative and financial role of the advisory committee serves to give it a distinctive complexion of a legislative chamber. The right to interpellations is also a pointer to the same. This right in regard to interpellations is very much akin to that of the members of a state legislature. In practice, however, the members are allowed a much larger freedom in asking questions, and, more markedly, in putting supplementaries. This attitude on the part of the administration in liberally interpreting this right has been rendered possible by two factors. First, the proceedings of the committee are treated secret, and, therefore, the fear of publicity does not act as a restrictive influence on the Government. Secondly, the Government's continued existence is never at stake in such meetings. There is, therefore, in evidence an unmistakably understanding attitude on both the sides—the Government and the members.

The provision relating to questions obtains in the case of committees for Delhi, Tripura and Manipur. The Committee for Himachal

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<sup>23</sup> The budget estimates in respect of Himachal Pradesh for the year 1959-60 were due for discussion on 20 February 1959 in the committee for Himachal Pradesh. An absolutely item-by-item mention of the budget estimates was made in *The Tribune*, in its issue of 20 February 1959. Such leakages have occurred at other times as well. This has happened in the case of the budget estimates in respect of Delhi as well,

Pradesh voluntarily chose to renounce this right whereas the committee for Andaman and Nicobar Islands was denied this right since its inception. It is noteworthy that the members of the committee for Himachal Pradesh regretted, in a subsequent meeting, their earlier decision not to put questions. A member who had earlier opposed the provision relating to questions, recanted later, saying: "The right of interpellations is an important one. The questions tend to focus the Administration's attention on the issue and compel thinking on it. It will have a beneficent influence inasmuch as the Administration will be provoked into thinking when framing its reply." The three committees, entitled to ask questions, have been, however, making use of this provision in an erratic way. The committee for Delhi has asked, in course of its twenty-two meetings (till the duration of the Second Lok Sabha), 62 questions. No question was asked in fourteen meetings. The committees for Tripura and Manipur have asked three and thirty-three questions respectively. These figures indicate that the committees are not making any significant and sustained use of this provision. The relatively small number of questions asked is to be put down largely to the members' lack of interest in this matter but is also partly explained by the official discouragement to the practice of putting questions. The chairman, for instance, observed in the meeting of the committee for Manipur: "These questions you have put, we will answer them. But the better course would be to state the point that is worrying you and to ask for the redress of the same . . . . This sort of formal thing does not lead us anywhere . . . . We want to achieve results. We are not here simply to carry on a sort of debate. We want to do things that would give relief to the people and would be beneficial to them . . . . You may put your questions. I have no objection to that. But the best course would be to put forward positive suggestions as to what you would like to be done so that we might consider that and see that action can be taken to meet your wishes." He was even more forthright in a subsequent meeting, and observed unequivocally: "The more fruitful course would be for you to make suggestions rather than to put questions, so that we may take action thereon. To put question in Parliament is all right but here we want something effective and practical. For example, you (should) say that such and such drain should be dug or that some sort of arrangements should be made for the supply of water, and you (should) put that difficulty

and say that this is a suggestion that you would like to make.” Interestingly enough, no questions were asked in this committee after this observation.

A study of the questions asked in the three committees reveals that they deal with a wide range of subjects pertaining to the local Administration. These questions are normally framed in the parliamentary style. A large number of them are of a general nature but sometimes these may even relate to individual cases, as is the following question asked in the committee for Manipur:

“Will the Government be pleased to state:

(i) Whether there is any warrant of arrest against Irabot Singh, the communist leader?

(ii) A Government in possession of any information about him?”

It is usual for a question to be followed by many supplementaries which, however, markedly differ from their parliamentary prototypes. They are mostly put in the conversational style, and, what is more, the replies that are given are generally characterised by a measure of frankness on the part of the Government. The supplementaries that followed from the reply given to the above question give one an insight into the manner and style of replies generally made by the Government:

Member            Whether the Government has got any information if he is alive, because there is controversy?

Chairman        He has not yet been arrested apparently. If he is dead, he will not be arrested. If he is alive, there is every hope. Have you any information?

Member            No. Whether the Government will consider the question of withdrawing the warrant of arrest?

Chairman        But if he is dead, the question does not arise. If he is alive, I think, when a warrant has been issued, the person should comply with the warrant and surrender himself. If he has anything to say, then he can make the representation; but, it is in every way, I think, impolite for a man to evade arrest and then to secure the cancellation of the warrant with the intervention of the other good men.

Member            May I know whether he is involved in the Manipur conspiracy case?

Chairman Well, I think, so far as that goes, when any warrant has been issued against a person, he should comply with that. *In fact, this is not the place to deal with individual cases. But we do not want to withhold anything, and so we have given this information. For that he must surrender and then he can get all the information that he needs.* (italics supplied)

More important than any of the foregoing functions has been, however, the committee's concern with "the general questions of policy" relating to the public administration of the territory. In other words, the committee is empowered to deliberate upon the whole gamut of administrative activities and policies as well as organisation and methods. Viewed in this larger context, the right to put interpellations, thus, makes for the more effective performance of this function. In its legislative and financial roles the committee, frankly, does not possess any initiative and leadership. Its role in these matters is rather rigidly confined to approving the proposals originating with the Government. While discussing the administration and its policies and putting interpellations, however, the committee retains, in a sense, leadership and initiative. The effectiveness of a committee is, therefore, to be judged by the range and thoroughness of discussion of policies and activities of local Administration. It is apparent that this, also, is a function of the legislature. To all intents and purposes, therefore, the territorial committee is a miniature legislature which may discuss, debate, and criticise the local Administration and, if need be, the central ministries. More truly, perhaps, it is a surrogate of a legislative chamber and, with its purely advisory role, a poor surrogate at that.

Understandably enough, a major part of the committee's time is devoted to performing this function. Fifty to ninety-three per cent of the agenda of the different committees relates to requests for new developmental, promotional, or ameliorative activities, or criticisms of the current policies and programmes and of the entire administrative machinery as well. The individual percentage of the different committees is as follows:

1. Committee for Delhi	...	...	...	70
2. Committee for Himachal Pradesh	...	...	...	55
3. Committee for Tripura	...	...	...	50
4. Committee for Manipur	...	...	...	72



## 5. Committee for Andaman &amp; Nicobar Islands ... 93

While calculating these percentages the budget meetings have been excluded, although the budget discussion does offer a well-known opportunity of reviewing and criticising the whole complex of administrative activities and policies underlying them. Also, these figures take no account of the questions that have been asked in the three committees. And, under cover of the questions the members do criticise the policies and activities, even make thinly veiled suggestions of their own. Thus, the discussion of the budget and the provision for interpellations bring the Administration under the scrutiny of the committee, and make available representative public opinion to both the Central Government and the local Administration.

The terms of reference of the committee provide for a discussion of "general questions of policy relating to the administration of the territory in the State field". In practice, the committee has even discussed individual cases, although the official attitude has consistently been to discourage such a trend. Each issue that is discussed in the meeting has its own peculiar individual identity. Yet the various problems do fall into broadly defined patterns.

Members of all these committees insist upon the Government's undertaking developmental, promotional, and ameliorative activities. Concretely put, they ask for more schools including technical and medical institutions, better means of communications, improvement of agriculture, setting up of suitable industries, medical benefits, increased housing facilities, to name only a few. Through all these demands, however, there runs a common thread, namely, a fundamental urge to improve the living standards of the people. The following is a select list of demands which indicate the manner in which this urge finds articulation in different committees:

## 1. HIMACHAL PRADESH

1. Free education in backward areas of H.P.;
2. Speeding up of road construction programmes;
3. Eradication of tuberculosis and leprosy from H.P.;
4. Creation of congenial atmosphere for proper functioning of cooperative societies and panchayats;
5. Construction of roads in forest areas;
6. Departmental extraction of forests;
7. Expansion of educational facilities in H.P. and setting up of

a University;

8. Setting up of a large number of Ayurvedic dispensaries;
9. Provision for afforestation and soil erosion schemes;
10. Erection of 'Jhullas' to facilitate the crossing of rivers;
11. Medical college for H.P.;
12. Preservation of forests;
13. Grant of concession to industries in H.P.;
14. Technical training institute for Chamba, H.P.; and
15. Supply of more electricity from Bhakra-Nangal.

## 2. TRIPURA

1. Construction of a new hospital at Agartala;
2. All-weather road between Tripura and Assam;
3. Adequate lodging accommodation for tribal students;
4. Construction of markets to remove congestion;
5. Opening of ration shops in Tripura;
6. Construction of minor irrigation works in order to achieve self-sufficiency in respect of food grains;
7. Controlling floods in Kailashahr division of Tripura;
8. Opening of cooperative banks in Tripura;
9. Opening of air services between Agartala and Calcutta;
10. Construction of railway line from Patharkandi to Dharam Nagar;
11. Construction of a bridge over Haura river;
12. Improvement of means of communications in Tripura;
13. Out-gauging of the North Eastern Railway in Tripura;
14. Construction of godown to store farm products;
15. Housing and business loans to Tribals;
16. Rehabilitation of landless peasants of Khowai;
17. Grant of relief to ex-political sufferers in Tripura;
18. Supply of cheap power for industrial enterprises;
19. Construction of bridge on Bisalghur Road;
20. Flood control measures; and
21. Hydro-electric scheme at Dumbur.

## 3. MANIPUR

1. Technical Institute for Manipur;
2. Development of fisheries;
3. Agricultural loans;
4. Cooperative farm at Samusung;

5. Suitable arrangement for marketing of handloom products;
  6. Jobs for educated unemployed;
  7. Foreign scholarships to Manipur students for training in engineering, medicine, and agriculture;
  8. Settlement and survey of land in Manipur;
  9. Anti-malarial measures in Manipur;
  10. Plan for development of fishery in Manipur;
  11. Tuberculosis control measures;
  12. Construction of dams on rivers;
  13. Installation of an All-India Radio Station at Imphal;
  14. Setting-up of a national museum in Manipur;
  15. Sangeet Mahavidyalaya for Manipur;
  16. Construction of roads;
  17. Irrigation schemes;
  18. Issue of inter-State permit to motor-owners;
  19. Industrial development;
  20. Free tuition facilities for middle class students;
  21. Free education for girls; and
  22. Opening of railway lines in Manipur.
4. ANDAMAN AND NICOBAR ISLANDS
1. Development of fishing industry;
  2. Improvement of the economic conditions of the population by the introduction and maintenance of small-scale timber industries in the Islands;
  3. Inter-Island transport and feeder roads;
  4. Reservation of more seats for local students in the mainland universities;
  5. Opening of degree college at Port Blair;
  6. Enhancement in the existing rates of scholarships for higher education; and
  7. Establishment of match, plywood, pulp and paper, sports and toys industries.
5. DELHI
1. Scheme of rehabilitation of, and special assistance to, political sufferers;
  2. Improvement of labour and Harijan bastis located in New Delhi;
  3. Need for opening a new medical college at Delhi;

4. Flood control measures;
5. Repair of roads;
6. Land and houses for Harijans;
7. Expansion of industrial activities in Delhi;
8. Slum-clearance schemes and their implementation;
9. Diversion of Jamuna for the benefit of the people of Delhi;
10. Electrification of villages of Delhi;
11. Establishment of an industrial colony for leather workers, and of a Harijan weavers' colony;
12. Development of transport facilities by allowing private buses to ply on selected routes;
13. Adequate medical facilities; and
14. Development of educational facilities;

In addition to making these proposals, the territorial committee has another function to perform as a forum for ventilation of grievances of the people. This, surely, is a vital function, for the committee is the only regular channel for making known the grievances of the people of the territory. Moreover, consisting, as it does, of the Members of Parliament (representing the territory) and others, who, too, claim to represent the people in their own ways, it seems to be an appropriate body for this purpose. Further, the secret nature of the proceedings permits larger measure of freedom to the Members of Parliament (who mostly belong to the ruling Congress Party) to voice the popular grievances in the meetings. Thus, the committee for Himachal Pradesh has discussed the urgency of rehabilitation of Bilaspur 'oustees'<sup>24</sup>, need for avoiding delay in the payment of scholarships to students and salaries to teachers, decentralisation of district administrative set-up, prevalence of wide-spread irregularities in the cooperative societies and lack of interest on the part of the civil servants in taking action against guilty persons, delay in the payment of compensation for lands acquired for construction of roads, etc. Similarly, the committee complained against tardy payment of wages to labourers engaged in road construction. Even more stringent has been the protest against inadequate power supply from Bhakra. In an unusually forceful speech, a member thus

<sup>24</sup> This term has been used in the discussions of the committee to describe the displaced persons.

expressed himself while cataloguing his grievances:

"It is only the electric power by which Himachal Pradesh can be benefited. It cannot have any benefit from the irrigation.... Since the (Bhakra) project was built mostly on the Bilaspur territory and thousands of people were ousted on that account, it has been a sorry state of affairs that proper rehabilitation facilities were not forthcoming and so far the re-settlement has not been completed. Besides this, no provision of service to the Himachalis in the scheme has been provided. After making so much of sacrifice in the larger interest of the country, Himachal Pradesh could not even get a bare benefit of concessional rate of electric power...Take the case of rehabilitation of Bilaspur people. It is most unsatisfactory....In the Bhakra Dam, we have not got what we should have got . . . . Those "very best" terms (offered to Bilaspur oustees) were such that they did not appeal to us, did not appeal to the people, and did not appeal to their representatives . . . . I was one who said that I am not satisfied. I would repeat those words so that I may remain on record. I do not agree that the Bilaspur people received a fair treatment. And, I hope, that will not be the treatment for the other people."

Other committees, too, regard it an important function to invite the attention of the Government to the problems faced by the people of the territory. The committee for Tripura, thus, focussed the attention of the Government on the following:

1. Low price of jute;
2. Necessity for arranging relief in the flood-affected areas in Assam;
3. Transport difficulties regarding railway siding linking Pakistan railway and the Indian railway in respect of Tripura;
4. Food problem;
5. Scarcity of drinking water;
6. Popular resentment at the levy of grazing charges;
7. Increased rate of rent in Agartala and suburbs;
8. Slow progress in the implementation of irrigation schemes; and
9. Dispossession of tribals from their lands.

The committee for Manipur has complained about inadequate water and power supply, reduction in the number of transport permits to private operators, increasing unemployment among the educated, silt

deposit in Loktak lake impeding the trade of fishermen who could not ply their boats, non-issue of inter-state permits for motor-owners, shortage of corrugated iron sheets in Manipur, etc.

Both the Central Government and the local Administration tend to be alive to the need for removing these grievances. Thus, the complaint about inadequacy of water and power supply at Imphal (Manipur) received a satisfactory response from the Government. It was, for instance, disclosed that the local Administration was going ahead with the construction of necessary plants to remove scarcity of power and water supply. Some of the complaints are, however, complex in nature and consequently not amenable to any easy and early solution. The demand for the issue of inter-state permits to motor-owners (raised in the committee for Manipur) is a case in point. Such permits can be issued only if there is reciprocal arrangement between the States (in this case, between Manipur and Assam). The committee for Manipur, therefore, recommended that the Chief Commissioner should discuss this matter with the Assam Government, and decided that the matter might be referred to the Inter-State Transport Commission in case an agreement could not be reached with Assam.

Closely allied to the above-mentioned function of the committee (ventilation of popular grievances) is another which concerns itself with criticism of administrative policies, programmes and action. These two functions inevitably shade off into each other. The secret nature of the committee's proceedings added to the fact that the existence of Government is not in jeopardy in these meetings serves to thaw the habitual reserve of both the sides—officials as well as non-officials. It is this which tends to make the members forget, at least for the time being, their party caps, and discuss in a somewhat uninhibited way all the policies and programmes of the local Administration. The members of the committee for Himachal Pradesh have been sharply critical of the extravagant use of jeeps and telephones by the bureaucrats and have suggested, as a remedial measure, the pooling of all vehicles to regulate their use. It has also been pointed out time and again, that the civil servants interest themselves in local politics, and pay little attention to the complaints of the people. References have been made in a manner,

none too oblique, to the ill-treatment by the police, and the growing inefficiency, groupism, nepotism, etc., in the local Administration. It was even alleged that the money allotted for public housing in the budget was spent in constructing houses for bureaucrats. A member, making direct hit on the latter, said: "The officials are not only not responsive to their (people's) grievances but have, also, no external control over them. It is astounding that, in the altered political situation, they should continue treating themselves as constituting a separate class." Another member endorsing this remark added: "No body feels any responsibility in the administration. People are receiving fat salaries but are not prepared to undertake responsibility. If something is brought to the notice of the officials, they pass it on to others, and no action seems to be ever taken." The members have not even spared the highest office in the local Administration, viz., the office of Lieutenant-Governor. One of them expressed the view that the term of this office should not be more than that of Governors in other States, adding, somewhat tactfully: "I do not mean any personal reflection on any person".<sup>25</sup>

The criticisms of the governmental machinery as well as of the policies and programmes have been somewhat subdued but, nevertheless, not entirely absent in other committees. The members of the committee for Tripura have drawn attention to top heavy administration, discrimination in selection of national extension blocks, lack of imagination in the distribution of agricultural loans, etc. "As for the government employees in Tripura," a member observed, "there are so many secretaries, deputy secretaries, assistant secretaries, etc. One paper from one table to another takes three months. We want to get rid of this." One of the members of this committee had been trying abortively for getting a national extension block opened at Khowai sub-division, although most sub-divisions had such facilities. "I think," he alleged, "there must be some political reason for not including Khowai,"<sup>26</sup> Similarly, the administration was hauled over the coals naturally enough for its utter short-sightedness in distributing agricultural loans at a ludicrously low rate of Rs. 8 each, and, in some

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<sup>25</sup> It is to be noted that the present Lieutenant-Governor has been continuing in this post since 1954. Further, it is interesting to recall that the member later publicly criticised the indefinite tenure as well as the present incumbent of this office.

<sup>26</sup> This member belongs to the Communist Party.

cases, of Rs. 4.62 per head. This was even confessed by the Chief Commissioner who said: "It is a fact that my officers have given loans of very small amount. In certain cases they have given nominal loans".

A word may also be added about the committee for Manipur. The members have complained about widespread prevalence of corruption in the local Administration and the inaction of the police even when they (members) had provided information. A member observed: "Bribery is an open secret in Manipur. In the matter of appointment of government servants, at the time of their promotion, building up of government quarters, and the making of roads and allotments of works to contractors, heavy bribes are taken, and it is easy to evade the law and escape punishment or detection in these cases. Moreover, smuggling of goods on the borders are (sic.) a permanent feature. Though there is a ban on the export of rice, rice is being exported by lorry-loads at the connivance of the police. As Manipur is at the border of Burma, smuggling of Burma goods worth thousands of rupees is being carried on, tax-evasion on a large scale is practised and valuable sources of income are lost to the Exchequer." Besides, the members took the administration to task for its unconscionable delay in executing the water-supply scheme for Imphal. Also, they have expressed resentment at the excruciatingly slow work of the local judiciary in disposing of the cases.

It is only fair to point out that both the Central Government and the local Administration do not always adopt a 'holier than thou' attitude in the face of these criticisms, and there is no indiscriminating defence of governmental policies and programmes; rather, the tendency is to devise means to meet as many criticisms as practicable. Moreover, the Central Government often exhibits a refreshing condour in confessing administrative failures and lapses. Explaining the delay in the preparation of the report on the functioning of the cooperatives in Himachal Pradesh, the chairman disclosed the utter incompetence of one of the highly paid bureaucrats, entrusted with this task, and laid the blame squarely on him. Thus it is that in cases of serious lapses, the chairman does not even hesitate in pulling up the civil servants. In face of repeated delays in the execution of water supply scheme for Imphal, the chairman was constrained to chide the officials of the Central Public Works Department in the meeting of the committee for Manipur. Further, when, to the members' allegation that the police



in Manipur took no action "even in those cases where we (members) have given full information", came the bureaucrats' reply that "it (police) has nothing to do with it (smuggling)", the chairman felt ostensibly dismayed, and at once countered: "How is it? There is a field customs staff to look after cases of smuggling but the police all the same have to do whatever they can to prevent the recurrence of offences and to bring the culprits to book. That is their duty."

Greater bureaucratic resentment and resistance is, however, offered when the members try to discuss matters relating to the local civil service. It is interesting to note that the members of the committee for Himachal Pradesh have been taking keen interest in the service matters of the employees. This is also true of the committee for Delhi, although it has been displaying its concern for only one section of the government employees, viz., those who belong to the scheduled castes the cudgels on whose behalf are taken by one member only. In the committee for Himachal Pradesh such questions have been raised with increasing frequency despite persistent official advice that the members should not be so inquisitive about these matters. Himachal Pradesh, it may be pointed out, was formed by the integration of several princely states. This involved, among others, the fixation of seniority of public officials, originally recruited by different princely states and governed under different sets of regulations. In the determination of seniority, it appears, many injustices were committed, which accounts for the members' continued attention towards in such issues. Subsequently also, it seems, the local Administration continued committing irregularities in matters of appointment and promotion. As a result, questions of seniority and promotion have touched off some of the worst controversies in this committee. The members have unitedly expressed resentment at what one of them called, "the high-handedness and arbitrariness of the local Administration in making and altering seniority." They have expressed the view that, by making merit the basis of promotion, much junior officers have been promoted through avenues of bureaucratic favour and the claims of senior persons shunted and their service records deliberately tampered with to mar their future prospects. In a particular case it was disclosed that two stenographers attached respectively to the Chief Secretary and the Development Commissioner, were elevated to the posts of superintendents and, in this process, the claims of many others were ignored. "This is a strange definition of

merit" as a member sarcastically put it. The root cause of the prevailing dissatisfaction is the principle of merit made the basis of promotion. "Merit" is assessed on information given in "confidential" reports of the immediate superior officer but this itself is no guarantee that his opinion would be wholly correct and unbiased. To substantiate their charges, the members even cited concrete cases and, sometimes, even individual names. A member once complained: "A man who was undergoing training along with our men was made the registrar of the cooperative societies, whereas the man from Himachal Pradesh was not given the opportunity, though the same man has been selected by the Union Public Service Commission. I particularly refer to the name of . . .—trouble is that if we place some names, the individuals are penalised—who has been treated in this way, though he has now been selected for Class I Service by the Union Public Service Commission. Similarly, I have learnt that an employee in the Agricultural Department has been given Class I post, though he was rejected for Class II Service by the Union Public Service Commission." Such allegations of favouritism and nepotism have been made, time and again, despite the chairman's<sup>27</sup> repeated advice to the members not to raise such matters.

Reference should now be made to the role of the territorial committees in discussing reforms and innovations in public administration. The committee for Himachal Pradesh suggested the reorganisation of the secretariat consequent upon the abolition of local legislature and ministry, formation of a separate cadre of the Indian Administrative Service for Himachal Pradesh, setting-up of a Planning Board to supervise the developmental activities in Himachal Pradesh, reorganisation of districts and tehsils, recruitment of Himachalis to subordinate posts, etc. Likewise, its Manipur counterpart has demanded the following: a separate post of Development Commissioner, the formation of a central pool of services for the union territories, the setting up of a committee attached to each head of the department, to be consulted at the time of making appointment of Class III and Class IV employees, etc. Also, its members have commented upon the "undesirability" of saddling heads of departments with secretariat functions. Finally, the committee for Tripura has discussed issues like the administrative set-up

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<sup>27</sup> In the above mentioned case, however, even the chairman felt disturbed, and asked the Lieutenant-Governor to look into this complaint.

of the territory, revision of pay-scales, confirmation of local employees, common service cadre with Assam, etc. Such preoccupations of these committees, however, constitute a comparatively small part of their total workload. This is but natural, as both the general purport of these committees and the nature of their membership preclude them from taking any zealous interest in such affairs.

Paradoxically enough, the most noteworthy function of these committees, particularly those for Himachal Pradesh and Delhi, has been to wage unceasing, relentless war against its own continued existence. As the advisory committee has merged on the ashes of the popularly elected Governments in two of the territories, wistful reminiscence on the part of the members, in the course of discussions at the meetings, of those "happy" days is considered to be a sacred duty, and an agitation against the committee is obviously implied in the members' persistent demand for the revival of the pre-advisory committee political set-up in the region. In fact, there has never been any love lost between the committee and its members who have rather freely utilised this very forum to destroy it by demanding, on every conceivable occasion, democratic set-up in their territories. That this demand eventually influenced the Central Government to make an enactment<sup>28</sup> introducing an elected legislature and a council of ministers in these territories is apparent enough, although the exact measure of its influence may not be precisely ascertained. Even in the first meeting of the committee for Himachal Pradesh, when the chairman eulogised, in a somewhat florid way, the emergent administrative pattern, the members gave a rather grudging acceptance to the alternative of an advisory committee for the territory. One of them remarked: "We feel that the disappearance of the legislature has been a setback so far as the actual person in Himachal Pradesh is concerned because he has not got the advantage of a representative which (sic.) he elected and through which (sic.) he was to manage his own affairs; but being a territory and Parliament having accepted the fundamental basis that in union territories there can be no legislatures, this (i.e., the advisory committee) is the only other alternative that could be devised . . . ." Like a snow ball, this demand gathered mass and momentum with the passage of time. In the fourth meeting of the committee (held in September 1958) a member bluntly said: "People

<sup>28</sup> *The Government of Union Territories Act, 1963.*

are not satisfied with this advisory committee. This is hardly a forum for the adequate discussion of the numerous problems that face Himachal Pradesh today." In an obviously sarcastic reference to such demands, the chairman said, though in a different context: "Where to get money from? Himachal Pradesh is getting subsidy to the tune of Rs. 3 or 4 crores. You now want that the allowances should be increased; foodgrains should be supplied at cheap rate; and you also want that H.P. (*i.e.*, Himachal Pradesh) should have a separate legislature." A member did not take this lying down, and immediately retorted: "So long as the Centre has the responsibility for that, we can request. But when we are fortunate to have our own State, then it would be different." That this demand did not prove altogether unavailing became evident when, in October 1961, the chairman held out some hope, saying: "The Government are considering the question of administrative set-up in all its aspects, because this question has certain implications and it will have certain repercussion also. That is why some time is necessary but I assure you that we are trying our best." This observation served to make the demand even more clamant, which easily reached its climax in the March 1962 meeting in which a member formally moved the following Resolution:

"The Himachal Pradesh Advisory Council places on record its great disappointment at the Government's decision not to accept the persistent and legitimate demand of the people of Himachal Pradesh for the establishment of a Hill State with similar set-up as are available to other States of the Union. It further reiterates its demand for the creation of a Hill State of Vishal Himachal in the near future."

Although the Resolution could not be admitted on the ground that it was outside the purview of the advisory committee, this clearly brought out that the members were resolutely united in their dislike of the existing administrative set-up. Their ultimate victory proved that their efforts were not made in vain.

In this general opposition to the prevailing set-up, the committee for Himachal Pradesh has been joined by its Delhi counterpart which, too, has been agitating for a similar cause, although with a vigour comparatively less than what the committee for Himachal Pradesh brought to bear upon it. A member gave vent to this feeling in a meeting and said: "There is also one thing which may not be relevant

so much with today's budget, but relevant in the sense that it is, after all, the budget which deals with the problems and lives of the people living in Delhi. And, it is a sort of political question. The whole budget of Delhi is Rs. 39 crores and this amount is executed through the advisory committee and through the official machinery. The time has come when serious thought should be given to the political aspirations of the people of Delhi . . . . The people of this enlightened city are deprived of their rights to govern themselves . . . . So, I would urge that proper steps should be taken by the Government of India to create a proper political atmosphere in Delhi . . . . In a nutshell, I must say that the people of Delhi are utterly dissatisfied with the present administrative arrangement . . . ." It is worth mentioning here that the democratic set-up, introduced in Himachal Pradesh, Tripura and Manipur, has not, however, been contemplated for Delhi, much to the chagrin of this committee. The committees for Tripura and Manipur have not shown any marked tendency to express their resentment, if any, in the way in which their other counterparts were doing. Their relatively small population<sup>29</sup> could not probably fully justify any claim for statehood at the moment. A more important reason, perhaps, may be that, unlike the other two, these territories had no political experience, howsoever fleeting, of an elective government and, consequently, never regretted or even missed its absence.

Curtains have been finally drawn over this system of territorial committees with the coming into force of the Government of Union Territories Act, 1963.<sup>30</sup> They have, thus, functioned for nearly seven years, and during this period they have succeeded in making their impact felt over a fairly wide range of subjects. The advisory committee has been of assistance in maintaining, in a more regular way, the Centre's control and supervision over the local Administration. The apprehension that the actions of the local Administration may be reviewed in the committee, and brought to the notice of the Central Government has

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<sup>29</sup> The population of Tripura, according to 1961 census, is 11,41,492. Vide *Indian Population Bulletin*, No. II, August 1961, New Delhi, Office of the Registrar General, India, 1962, Union Table II, p. 90. The population of Manipur is 7,78,318. (The 1961 figures are not yet available) Vide *India—A Reference Annual*, 1962, New Delhi, Publications Division, 1962, p. 489.

<sup>30</sup> The fate of Andaman and Nicobar Islands remains unaltered. Delhi, too, is excluded from the operation of this Act, and a separate pattern is likely to be envisaged for it.

had some effect in making the former more careful in its operations. A complaint in the committee for Himachal Pradesh that a school building had been constructed long back but the school did not start functioning led the chairman to ask for a report on this matter from the local Administration. Also, the committee has facilitated coordination of activities of the central ministries working in the same field. In the centrally-administered territories the different Central ministries have necessarily to work in close collaboration with one another, and, quite easily, the advisory committee, by providing face-to-face confrontation of the officials (of the different ministries) with each other, tends to foster such relationships. Moreover, it has kept the Central Government in touch with local needs and problems, thus, broadening the base of policy-making. In addition to these intangible advantages, positive benefits have accrued, too. Its suggestions have received consideration at the hands of both the Central Government and the local Administration. That not all of its recommendations could be accepted is natural, for it has, at best, an advisory role. Nevertheless, its influence has been by no means, insignificant or even sporadic. This is illustrated by the following table indicating both the suggestions made by each of these committees (except the committee for Delhi) in a certain meeting, and the action taken on them:

**RECOMMENDATIONS OF THE ADVISORY COMMITTEE FOR HIMACHAL  
PRADESH MADE AT ITS MEETING IN FEBRUARY 1959**

RECOMMENDATIONS	ACTION TAKEN
1. It would be profitable to the State to entrust the work of exploiting forests in the entire territory to departmental agencies instead of giving it to contractors.	In pursuance of the recommendations of the Public Accounts Committee, the departmental exploitation of timber is to be extended to other divisions of Himachal Pradesh where it is found profitable. From 1960-61 these operations are being started in the Lower Bushahr Forest Division and if the venture proves profitable, departmental exploitation will be extended to other divisions gradually as the staff gets experienced.
2. The approach of the Forest Department to the problem of indiscriminate cutting of forests had been casual and unless the Administration devoted sufficient attention to this problem immediately, very soon no forests would be left in the territory.	All efforts are being made to deal with the forest offences. The cases of illicit felling, where detected, are dealt with according to the rules framed under the Indian Forest Act, 1927, or under the orders issued by the Government from time to time. Conservators of Forests and the Divisional Forest Officers have been directed to instruct the supervisory staff to be very vigilant about the forest offences.

## RECOMMENDATIONS

## ACTION TAKEN

3. There were inordinate delays on the part of the Forest Department in granting necessary permission to the people to take timber from the forests for personal use with the result that the concessions had practically been nullified.  
The Forest Department has recently issued instructions to all the Divisional Forest Officers to make the timber distribution immediately on receipt of recommendations from the Panchayats.
4. Wild animals in the territory were being destroyed indiscriminately, and the Department set up to prevent such destruction, was not functioning adequately.  
New rules have been framed by the Administration and it is hoped that further destruction of wild life will be prevented.
5. The Administration was asked to place before the Committee all the instructions issued on the subject so that the Members could have an opportunity to consider the adequacy of those instructions. It was suggested that as far as possible Himachalis should be given preference over non-Himachalis in making recruitment to non-gazetted posts.  
The enforcement of the Public Employment (Requirement as to Residence) Act and the publication thereunder of the Himachal Pradesh, Manipur, and Tripura Public Employment (Requirement as to Residence) Rules, 1959, with effect from 21 March 1959 have solved this problem. Only Himachali candidates are now to be recruited in the services of this Administration.
6. Constitution of the joint IAS and IPS Cadres for Himachal Pradesh and Delhi should be expedited.  
Joint IAS cadre for H.P. and Delhi has been constituted with effect from 11 May 1959. The question of the formation of a joint IPS cadre is under consideration.
7. There was the problem of unemployment among the educated Himachalis. It was suggested that the Public Employment (Requirement as to Residence) Act of 1957 should be enforced at an early date.  
Public Employment (Requirement as to Residence) Act and H.P., Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959 came into force with effect from 21 March 1959.
8. As free labour was available in jails, the industries should be able to show substantial profits whereas they have actually been showing loss.  
The suggestion has been noted. Profit in Jail industries is, however, not possible because the prisoners have to be trained in the various crafts, which results in wastage.
9. There was an acute dearth of consumer goods in the border areas and supplies of such goods should be arranged to the border police personnel instead of granting them compensatory allowance.  
A Public Servants Multi-Cooperative Society has been set up for supplying the needs of the personnel of the border police.
10. There was some disparity in the rates of allowances granted to the personnel of the border police and those employed at check-posts even though there was no difference in the nature of their duties or the conditions under which they were required to work. Such disparities should be removed.  
The Compensatory Allowance admissible to the Check-Posts Staff has been brought on par with that paid to the Border Security Force. The question of grant of ration allowance to the Check-Posts Staff is under consideration.

## RECOMMENDATIONS

## ACTION TAKEN

11. As Himachal Pradesh was deficit in the matter of foodgrains, for obvious reasons, the Central Government should give it a permanent subsidy and at the same time the transportation of foodgrains right up to the consuming centres should be fully subsidised as the people of the Pradesh are poor.
 

Himachal Pradesh being a deficit area, the requirements of foodgrains of this Pradesh are met by imports either from the Punjab or from Central Reserves. During the year 1958-59 on account of failure of crops the prices of foodgrains soared and the Government of India had to be approached for allotment of foodgrains from the Central Reserves and also for sanction of a subsidy for meeting the exorbitant cost of transport especially to the remote areas. The Government of India sanctioned a subsidy of Rs. 2 lakhs for the purpose and allotted foodgrains to meet the requirements. As regards permanent subsidy, the Government of India agreed to allow a subsidy up to the extent of Rs. 10 per maund on account of transport cost on a quantity not exceeding 20,000 mds. of imported wheat per year for sale in the backward areas of the territory. The transport charges on foodgrains to some remote and hard-hit areas of the territory are being fully met from the subsidy sanctioned by the Government of India but they have not agreed to sanction cent per cent subsidy for meeting the transport charges on foodgrains to all parts of the Pradesh.
12. There was a need for afforestation of the Bhakra Catchment Area and for proper implementation of grazing in certain areas. It was, however, desired that while taking steps in this direction the hardships that might be caused to the local people by such prohibitory orders should be borne in mind. There was also the need for taking up soil conservation schemes in the Bhakra Catchment Area on coordinated basis.
 

To check the serious problems of soil erosion in Bhakra Catchment area, survey and mapping of agricultural land to be brought under purview of soil conservation measures have been undertaken. So far, an area of 3.80 acres of agricultural land has been terraced. Plane table survey and contour survey has also been carried out in Bhakra Catchment area in Bilaspur District. A provision of Rs. 10 lakhs has also been made under the Land Development Schemes for giving as subsidy and loan at the rate of Rs. 550 per acre.
13. Although electricity was provided in the Rohru area during the first five year plan, there was no further extension of the facility to the adjoining areas.
 

The work of erecting transmission line in this area is in progress and is expected to be completed by the end of second plan.
14. The construction of schools and dispensary buildings should be given high priority. Provision for school and hospital buildings for Territorial Council might be made.
 

There is already a provision for construction of school buildings and for the hospital and dispensary buildings under the Territorial Council.
15. Some details on the working and achievements of each Block under
 

A booklet giving the required detail is under preparation.



RECOMMENDATIONS	ACTION TAKEN
head 'Community Development' should be made available to the Committee.	
16. Arrangements should be made for accommodation at Simla for the middle-class tourists visiting Himachal Pradesh.	The possibility of taking over Wild Flower Hall at Chharabara—which is at a distance of 6 miles from Simla is under consideration. This will, however, be possible only if some alternative accommodation could be found for the Basic Agriculture School which is located in this building.
17. The possibility of extending the Railways to the interior of Himachal Pradesh should be borne in mind while evolving future development plans for the territory.	The matter regarding establishment of railway lines on the following routes is already under correspondence with the General Manager (Operating) Northern Headquarters Office, New Delhi. 1. Jagadhri—Rajban line in Sirmur District; 2. Jogindernagar to Sundernagar in Mandi District; 3. Simla—Theog in Mahasu District.

**ACTION TAKEN ON THE RECOMMENDATIONS OF THE  
FEBRUARY 1958 MEETING OF THE ADVISORY COMMITTEE  
FOR TRIPURA**

RECOMMENDATIONS	ACTION TAKEN
1. Increase in number of students in Agriculture Training School, Agartala.	Due to the implementation of all India Scheme regarding integrated Agricultural Extension Training, no training Centre has been allotted to Tripura. Integrated Institution is to be established in West Bengal. The Basic Training School in Tripura will consequently have to be closed after the completion of the present course and the personnel from Tripura will be trained at the Integrated Institution to be established in West Bengal. In view of this position question of increasing the number of students from 40 to 60 does not arise.
2. Non-official element in Cooperative Societies.	The directions of the Chairman have been noted.
3. Condition of roads in Agartala town may be looked into.	Condition of roads in Agartala town will improve in Second Five Year Plan period.
4. Construction of Banamalipur-Purba, Para-Thakurpalli Road.	Government of India in the Ministry of Health have intimated the Tripura Administration that the Central Ministry of Finance have accepted a provision of Rs. 1,30,000 for the road construction programme of the Agartala Municipality including the Banamalipur-Purba-Para-Thakurpalli Road during 1958-59 and have asked the

## RECOMMENDATIONS

## ACTION TAKEN

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|   | Administration to send proposals for expenditure sanction of this amount. This is being done, and as soon as the sanction is received, the construction of this road will be taken up.  |
| 5. Drainage system of Agartala Town.  | The suggestion has been accepted.   |
| 6. Construction of markets to remove congestion.  | The proposal has been accepted and action is being taken to implement it.   |
| 7. Confirmation of employees of Tripura Administration.   | This is being done wherever possible.   |
| 8. Service Cadre with Assam.  | The proposal is being examined.   |
| 9. Enquiry Committee for Tribal Welfare and the functions thereof.  | It is not considered necessary to have any Enquiry Committee for this purpose. There is already a Tribal Welfare Advisory Committee at the Headquarters of the Administration and also similar committees at the sub-divisional level, which are always associated with every scheme for the welfare of tribals.  |
| 10. Appointment of an Enquiry Committee for betterment of Tripura in all respects.                                      | It is not considered necessary to appoint such a Committee. The Advisory Committee for Tripura is associated with the affairs of Tripura in all important matters.  |
| 11. Building of Town Club in Agartala.  | It is not for Government to establish any club but Government will help, to the extent possible, private efforts in this direction.   |
| 12. Food crops in Tripura   | There is sufficient stock of foodgrains in Tripura and the Administration has finalised all arrangements to meet the situation arising out of the failure of the food crops in the territory due to drought.  |
| 13. Agricultural aid to Bisramganj Colony.  | Agricultural aid is being given to the inhabitants of the Bisramganj colony according to the rules.   |
| 14. (a) Rent Control in Tripura   | Construction of a large number of houses for Government servants, loans to displaced persons under the Low Income Group Housing Scheme and Plantation Labour Housing Schemes are expected to ease the housing situation in the territory. Application of Rent Control measures would stop the building activity and make the present difficult situation worse. It is, therefore, considered inexpedient to extend any Rent Control measures to the territory at present. |
| (b) Speedy disposal of Court cases by the Judiciary   | Every effort is being made to keep the work as much up to date as possible in the light of existing conditions.   |
| 15. Examination of the proposal of the Darjeeling Conference on the problem of Rehabilitation of the displaced persons. | A separate Advisory Committee for Rehabilitation for Tripura is not considered necessary. Rehabilitation matters can be discussed in the Home Minister's Advisory Committee as well as in the meeting of the Informal Consultative Committee of the Ministry of Rehabilitation.   |

RECOMMENDATIONS	ACTION TAKEN
16. Speeding up of the work of rehabilitation of the tribal Jhumias and other landless peasants of this territory.	The work of rehabilitation of Jhumias and others is being done as speedily as possible consistent with the availability of funds and land for resettlement of such people.
17. Evolving of popular food policy for Tripura so that the Government may have control over the marketable surplus of Aman crop and the price of foodgrain and adequate stock may be built up, if necessary, by importing foodgrains from the Centre.	Sufficient stocks have been built up to meet the apprehended food shortage in the Territory due to failure of rains during the last crop with the assistance of the Government of India. The stock position stands at 1,64,000 maunds of rice and 15,000 maunds of wheat at present. Government of India have allotted a total amount of 11,000 tons of rice and 5,000 tons of wheat, this year to meet any apprehended food shortage.
18. Liberalisation of issuing licences for importing and selling 'Sidal' and 'Sutki' in Tripura.	The suggestion has been examined. It is considered that the present arrangements are sufficient to meet the minimum requirements. If, however, any necessity for the liberalisation of import restrictions is felt, immediate action will be taken.
19. Establishment of one Muslim Boarding at Agartala.	Government is not in favour of establishing such denominational institutions.

**ACTION TAKEN ON THE RECOMMENDATIONS MADE BY  
THE ADVISORY COMMITTEE FOR MANIPUR AT ITS  
MEETING HELD IN JULY 1959**

RECOMMENDATIONS	ACTION TAKEN
1. Extension of the Orissa Ware-House Act, 1956 to Manipur.	The notification extending the Act was issued on 23 January 1960 by the Ministry of Home Affairs.
2. Extension of the U.P. Panchayat Raj Act, 1947 to Manipur.	The notification extending the Act was issued on 23 January 1960 by the Ministry of Home Affairs.
3. Extension of the Bombay Highways Act, 1955 to Manipur.	The notification extending the Act was issued on 11 January 1960 by the Ministry of Home Affairs.
4. Extension of Societies Registration (Assam Fourth Amendment) Act, 1957, and the Societies Registration (Assam Fifth Amendment) Act, 1958 to Manipur.	The notification extending the Act was issued on 16 January 1960 by the Ministry of Home Affairs.
5. Formation of a committee to examine the Manipur Lands, Land Revenue and Land Reforms Bill, 1959.	This was done. The Committee forwarded its recommendations. The draft Bill was finalised and introduced in both Houses of Parliament. It was referred to a Joint Committee which has since submitted the report. This report was placed on the Table of both Houses of Parliament on 8 February 1960.

RECOMMENDATIONS	ACTION TAKEN
6. Orienting Elementary (non-basic) schools towards the basic pattern.	A practising Junior Basic School has been started in the Basic Training Institute, Imphal. This is being developed as a model school. The Territorial Council, Manipur sanctioned a sum of Rs. 50,000 during 1959-60 for improvement of Basic Schools.
7. Short-term loan for agriculturists and loan for weaving—Marketing of handloom products.	The question of advancing loan to the Handloom Weavers' Cooperative Societies is under the consideration of the Ministry of Commerce and Industry. As regards short-term loan for agriculturists the Reserve Bank of India had agreed to extend the credit limit of Rs. 4.00 lakhs advanced in 1958-59 to the Manipur State Cooperative Bank for the year 1959-60. As regards marketing of handloom products an emporium came into being in March 1960.
8. Hanging bridge over the Borak river	Administrative approval and expenditure sanction for the construction of the bridge was accorded.
9. Release of Lamphalpat for agricultural purposes.	Lamphalpat is the only area available in the town for the expansion of the town both for Government and other public purposes. A Town Planning Committee was already set up. The encroachers on Lamphalpat have been evicted. It is not possible to consider settlement of land to private individuals now.
10. Reclamation of small lakes.	The work regarding reclamation of the small lakes was taken up for execution.
11. Water supply scheme at Imphal.	Administrative approval and expenditure sanction has been issued.
12. The issue of fresh licences for plying rickshaws should be stopped.	The number of rickshaws in Imphal is 550 at present. As decided the Municipal Board does not propose to increase the number.

#### THE ADVISORY COMMITTEE IN RESPECT OF THE UNION TERRITORY OF DELHI

The Advisory Committee for Delhi, or to use its official nomenclature, the Advisory Committee in respect of the Union Territory of Delhi, was constituted on November 1956. The Resolution, issued by the Ministry of Home Affairs, said: "The President is pleased to constitute an Advisory Committee in respect of the Union Territory of Delhi to be associated with the Minister of Home Affairs who will be responsible for the administration of the Union Territories."<sup>31</sup> It held its first

<sup>31</sup> Resolution No. 19/30/56-SRI, dated 8 November 1956, Ministry of Home Affairs.

meeting in December 1956, and till the end of the second Lok Sabha has met twenty-two times. The committee meets for one day, and each meeting generally continues for three hours. The committee consists of :

- (i) All Members of Parliament representing Delhi;
- (ii) Chief Commissioner of Delhi;
- (iii) Vice-Chancellor of University of Delhi;
- (iv) Mayor of the Delhi Municipal Corporation; and
- (v) Senior Vice-President of the New Delhi Municipal Committee.

As this territory is, at present, represented by eight members in Parliament (5 in Lok Sabha, and 3 in Rajya Sabha), the total membership of the committee stands at 12, excluding the Home Minister who is the chairman. It is, however, a well-established convention that those Members of Parliament, who have been appointed ministers, do not attend these meetings nor are they, for any practical purpose, treated as members. As Delhi has had the honour of generally sending two of its Members of Parliament to the Treasury benches, the effective membership of the committee has been 10, excluding, of course, the chairman. It has also grown into a convention to invite the chairman of the Industrial Advisory Board, Delhi, and the chairman of the Public Relations Committee, Delhi, to the meetings where they, too freely participate in the discussion.<sup>32</sup>

The committee has been meeting rather irregularly despite its resolve to meet at least once in every two months.<sup>33</sup> Four meetings were held at intervals of 3 months, three meetings at intervals of 4 months, two meetings at intervals of 5 months and one meeting was held at an interval of as many as 9 months. Its decision to meet once in every alternate month could be implemented only in nine out of twenty-two meetings. It met almost at regular intervals until the first quarter of 1958. It is only after this period that progressively longer intervals have intervened between successive meetings. These long gaps between meetings have, to be sure, met with criticism at the hands of the members who have insisted that the committee meet oftener.

<sup>32</sup> They, however, cannot send proposals for inclusion in the agenda or ask questions.

<sup>33</sup> The Resolution creating the committee, however, stipulates a meeting "at intervals of not more than three months".

## SUB-COMMITTEE

The small membership of the committee does not offer much scope for the formation of a large number of sub-committees. A need for them has, however, been felt when a certain problem requires a detailed investigation before a final decision can be taken on it. The advisory committee for Delhi has set up the following three sub-committees—all *ad hoc* ones—in the course of its functioning:

1. A sub-committee on cattle-nuisance in Delhi was formed in May 1957 to examine the growing cattle nuisance. It comprised both officials and non-officials.
2. The sub-committee on 'jhuggies' and 'jhopries' was set up in August 1958 to look into the problem of 'jhuggies' and 'jhopries', and to suggest measures particularly in regard to the selection of sites to which persons living in 'jhuggies' and 'jhopries' in the capital could be shifted. It consisted of the non-official members of the advisory committee, the Chief Commissioner of Delhi, the Mayor, and the Commissioner of the Delhi Municipal Corporation, and the representatives of the central ministries concerned with the matter. The sub-committee ceased functioning after submitting its report in January 1959.
3. The political sufferers relief sub-committee was set up in May 1957 to prepare a scheme for financial assistance to the political sufferers. The report of the sub-committee was discussed at the meeting held in August 1958, and the Central Government, accepting its recommendation, sanctioned Rs. 50,000 for the grant of scholarships to the wards of political sufferers.

Besides, the members of the advisory committee made at least five unsuccessful requests for the formation of the following sub-committees:

- (a) A sub-committee to examine the question of grants-in-aid to educational and other institutions, and to make recommendations in respect of both new and continuing grants.
- (b) A sub-committee to look into the complaints of the public regarding inefficient and corrupt practices amongst the police and other public personnel belonging to the Delhi Administration.

- (c) A sub-committee to examine the position of personnel who were to be affected by the coming in of the Corporation in Delhi<sup>34</sup>.
- (d) A sub-committee to examine the problem of rehabilitation of villagers inhabiting villages which had been declared slum areas.
- (e) A sub-committee for examining the master plan for Delhi.

The committee has discussed 174 items in course of its twenty-two meetings. Besides, it has asked sixty-two questions in addition to a bewilderingly large number of supplementaries. Also, once in a year it has been meeting to discuss the budget proposals in respect of the territory for the ensuing financial year. These items include legislative proposals, twenty-one in all, for the extension of State Acts, or draft bills for promotion in Parliament. The remaining 153 items discussed in the various meetings of the committee cover between them a wide field of subjects such as:

1. Imposition of ceiling on land holdings;
2. Rehabilitation of, and assistance to, political sufferers;
3. Cattle nuisance;
4. Improvement of Labour and Harijan 'bastis';
5. Need for opening a new medical college in Delhi;<sup>35</sup>
6. Flood control measures;
7. Sales tax in Delhi, particularly sales tax on sweetmeat;
8. Problem of 'jhuggies' and 'jhopies';
9. Vigilance squad to fight corruption;
10. Rehabilitation of refugees;
11. Control of irregular constructions and sanction of new plans;
12. Land and housing for Harijans;
13. Ring railway for Delhi;
14. Beggar problem in Delhi;
15. Traffic problem in Delhi;
16. Slum-clearance schemes and their implementation;
17. Acquisition and development of land under the low income group housing scheme;
18. Delhi Milk Supply Scheme;
19. Introduction of Hindi in the official work of Delhi Administration;

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<sup>34</sup> This proposal was made in December 1958.

<sup>35</sup> It has been established now.

20. Loans for construction of houses;
21. Electrification in villages;
22. 'Goonda' menace in Delhi;
23. Master Plan for Delhi;
24. Control of land values in the urban areas of Delhi;
25. Frequent interruptions and breakdowns in the supply of electricity in Delhi;
26. Inadequacy of educational facilities in Delhi;
27. Serving of beef in Ashoka Hotel;
28. Policy of prohibition;
29. Consolidation of land holdings in Delhi; and
30. Village panchayats in Delhi.

As said earlier, the advisory committee for Delhi has considered the draft bills and proposals for the extension of State Acts to this territory. All these proposals, as indicated elsewhere, have originated with the Government, and, what is more, they have always had their approval from the committee. The legislative business of the committee consists of the following:

1. Application of certain sections of the Bombay Police Act to Delhi;
2. Amendment of certain provisions in the Delhi Panchayati Raj Act;
3. Application of certain sections of the Transfer of Property Act to Delhi;
4. Extension of Bombay Agricultural Market Produce Act, 1939 to Delhi;
5. Draft Municipal Corporation Bill, 1957;
6. Draft Delhi Rent Control Bill, 1958;
7. Draft Delhi Land Reforms (Amendment) Bill, 1958;
8. Draft Delhi Panchayati Raj (Amendment) Bill, 1958;
9. Extension of the Orissa Warehouse Act, 1956 to Delhi;
10. Draft Children Bill for Union Territories;
11. Draft Rules regarding the application of certain sections of the Bombay Police Act to Delhi;
12. Delhi Ceiling on Land Holdings Bill, 1959;
13. Extension of the Bombay Beggars Act, 1945 to Delhi;
14. Extension of the Delhi Rent Control Act, 1958 to Najafgarh and Narela;



15. Bill for introduction of free and compulsory education in the Union Territory of Delhi;
16. Amendment of the Slum Areas (Improvement and Clearance) Act, 1956;
17. Land Holdings (Ceiling) Bill, 1959;
18. Amendment to the Delhi Shops and Establishment Bill, 1954, relating to the change in the working hours of the shops and establishments in Delhi;
19. Legislation to confer security of tenure on agricultural tenants of urban areas of Delhi and to regulate rents payable by them;
20. Amendments to the Delhi Municipal Corporation Act; and
21. Repeal of the Dramatic Performances Act, 1876 and extension of the Madras Dramatic Performances Act, 1954 to Delhi.

This committee, like its other counterparts, also serves as a forum for ventilating the grievances of the people, and for criticising the Government as well as the Municipal Corporation and the New Delhi Municipal Committee. Often enough have the members censured the police administration, viewed with grave concern the increase in crimes and 'goondaism', and drawn pointed attention to corruption rampant in the local Administration. "The members of the Police force", a member said in the meeting, "are more inclined to govern than to serve, and (they) have even openly criticised the members of the Public Relations Committee." Another member, endorsing these views, added that the Public Relations Committee "has been rendered ineffective because the police officers did not listen to the grievances voiced by them (*i.e.*, members of the Public Relations Committee)." Such a sharp criticism of the Police induced the Delhi Administration to issue a circular emphasizing the imperative need for the police to be more civil and courteous in their behaviour towards the people. Besides, the members have blamed the Government for lack of civic amenities in the city, inadequate medical facilities, inordinate delays in administration, discriminatory policies against the rural areas, to name only a few.

Of all the committees the committee for Delhi has asked the largest number of questions. It has, in all, put sixty-two questions on a wide variety of subjects such as:

1. Development of plots;
2. Finalisation of third five year plan for Delhi;

3. Delegation of more powers to panchayats in Delhi;
4. Handing over of refugee colonies to the Municipal Corporation of Delhi;
5. 'Jhuggies' and 'Jhopries';
6. Disposal of land acquisition cases;
7. Policy regarding acceptance of text books for primary and middle classes;
8. Implementation of the Panchayati Raj Scheme in Delhi;
9. Implementation of the resolutions passed by the Municipal Corporation of Delhi;
10. Declaration of Delhi as an 'A' Class city;
11. Adequate supply of water and electricity for Delhi;
12. Drainage in rural areas;
13. Development of 8,000 acres of land at the disposal of the Government;
14. Delhi Milk Scheme;
15. Non-cooperation of patwaris with village sabhas;
16. Difficulties of getting water-supply in privately-owned houses;
17. Ring Railway in Delhi;
18. Realisation on account of damages done to the Government premises;
19. Consolidation of holdings in the villages of Delhi;
20. Electrification of villages in Delhi;
21. Rabi campaign in the villages in Delhi;
22. Training in amber charkha;
23. Allocation of land to housing cooperatives;
24. Lay-outs of private colonisers;
25. Shops and tenements for displaced persons;
26. Civic amenities in refugee colonies and shopping centres;
27. Temporary colonies and camps;
28. Utilisation of power load supplied by Punjab;
29. Re-organisation of Delhi Secretariat;
30. Unauthorised construction in controlled areas;
31. Educational facilities to school children;
32. Flood control measures;
33. Basic schools in Delhi;
34. Motor auto-rickshaws;
35. Cases of murder, assault, and theft;

36. Establishments where liquor is sold or served; and
37. Sales tax on bullion and ornaments.

From the questions and the replies given to them, following broad conclusions seem to emerge. First, there is no regularity in the putting up of questions. They have been asked in only seven out of a total of twentytwo meetings. Secondly, they are usually followed by a spate of supplementaries. Thirdly, the answers given to them appear to mark a departure from the characteristic pattern of parliamentary replies. There is a tendency to offer rather elaborate answers and this expansiveness on the part of the members as well as the Government spokesmen has been possible by the confidential nature of the proceedings which, as the practice is, is not made public. This is also explained by the circumstance that the members of the same political party sit across the table and express themselves without inhibitions. And, lastly, quite a good number of questions seem to get rejected somewhat arbitrarily. A member, complaining about this, said in the meeting held on 26 June 1961: "I have received a letter . . . dated 5th May in which I was asked to submit my memorandum by the 10th of June, I sent the important topics, questions, etc., on the 9th June. Then, I got a letter today—just today—that because they were sent on 9th June, they could not be included in the agenda." He was told that his questions could not be admitted as the Government needed some more time to prepare replies. This explanation, however, seems unconvincing, as the Government could easily give an interim reply to the effect that the necessary information was being collected and would be made available later. This certainly does not justify rejection of the questions.

It is not merely the thirst for knowledge that induces a member to put questions. More often than not, these are asked to focus attention on some particular point, to criticise, to expedite action, or simply to seek redress of grievances. Below are reproduced two questions and the replies given to them:

- (1) Member: Will the Government be pleased to state:
  - (a) What is the total number of Advisory Committees for different kinds constituted to assist Delhi Administration?
  - (b) What are the criteria for nominating their members?

Reply:

- (a) 57

- (b) The principal criterion is suitability for rendering advice on the subject with which the committee in question is concerned.

Member: I am sorry to say that the criterion is not that. I wish you were to see to it in future.

(2) Member:

- (a) How many cases of murder, assault, and theft were registered in Delhi during the last three months?  
(b) How many of them have been traced and the culprits apprehended?  
(c) How many of them have been filed as untraced?

Chief Commissioner:

- (a) 20 cases of murder, 202 cases of assaults, and 1622 cases of theft were reported during September-November 1961.  
(b) 13 cases of murder, 156 cases of assaults, and 215 cases of theft were traced in which the culprits were apprehended.  
(c) One case murder, 12 cases of assaults and 1241 cases of theft were filed as untraced.

#### SUPPLEMENTARY QUESTIONS

Member: Why is there such a high percentage of thefts?

Chief Commissioner: It is difficult to trace them.

Member: I had a talk with a police officer. He said, the easiest way is to file the case.

Chief Commissioner: He must be a fine police officer. If you tell me the name of the police officer, I shall punish him. That is a sort of thing not to do. It is against law, against government orders, but there are difficulties in tracing.

Member: Then, there are reports that cases are not registered. This was referred to in Parliament also.

Chief Commissioner: After the Home Minister dealt with the matter in Parliament he again gave directions to the police officers. They are duty-bound to carry out those instructions. There may be lapses and it is the duty of administration to remove them.

In the end it may be pointed out that the advisory committee for

Delhi has been, on the whole, a fairly active body, which is confirmed by the number of items discussed and the number of meetings held. It has, however, acquitted itself better as the redresser of grievances rather than as the promoter of positive policies. This is nothing unusual, for Delhi being the nation's capital, both the Central Government and the Parliament are keenly alive to its needs and requirements and meet these with undoubted liberality. The committee is, thus, not left with much to do in suggesting and promoting positive policies. The committee's role in promoting positive policies cannot, however, be altogether ignored. The medical college attached to the Irwin Hospital Delhi has been established partly in pursuance of the committee's recommendation. It is at the instance of this committee that financial assistance has been granted to political sufferers in Delhi. Besides, its recommendation that 'jhuggies' and 'jhopries' should not be demolished unless alternative accommodation is provided to the squatters has now become a policy-decision. Further, the sales tax on bullion and ornaments has been brought in line with the rates prevailing in Punjab in the light of the recommendation made by the committee. Lastly, it has been instrumental in safeguarding and promoting the interests of the Harijans, and the credit for this largely goes to the Member of Parliament, elected from the reserved constituency.

## 12

# Zonal Councils

THE ZONAL Councils, set up under the States Reorganisation Act, 1956, constitute an altogether special type of advisory committees. These Councils do not fall within the sphere, or spheres generally looked upon as the prolific sources of advisory bodies. They, strictly speaking, belong to the field of centre-state and inter-state relationships and are limited in number—there are only five Zonal Councils—and, like the territorial committees, discussed elsewhere, do not reflect the normal image of an advisory committee. Secondly, their advisory role is largely conditioned by political expediency and it is the political ends which they subserve. And, thirdly, they advise both the Central Government and the Governments of the participating States, though they are a part of the governmental machinery at the Centre.

The system of Zonal Councils was an integral part of the scheme of redrawing of the States' boundaries in 1956, embodied in the States'

Reorganisation Act, although, it may be noted, the States Reorganisation Commission did not make any such recommendation. The idea of having such a council originated later, and, therefore, calls for explanatory comment. The publication of the States Reorganisation Commission's Report inflamed linguistic and regional passions and prejudices both in Parliament and outside, so much so that the unity and integrity of the country seemed to be in jeopardy. Disruptive and fissiparous tendencies assumed alarming proportions threatening even the newly-won independence. The Zonal Council has to be viewed in this background as an effective instrument for curbing the excesses of linguistic and parochial fanaticism. The establishment of the Zonal Council simultaneously with the redrawing of the political map of India underlined the paramount importance of the maintenance of unity and integrity of the country in the scheme of States' reorganisation. It is apparent that these Councils were designed to curb too acute a State consciousness and feeling of exclusiveness on the part of the individual States. This, in brief, is the *raison d'être* of the formation of the Zonal Councils. This point might well be elucidated from some of the Prime Minister's speeches at that time and other official statements. It may be mentioned that the credit for making the suggestion for Zonal Councils goes to Jawaharlal Nehru, who, in his speech in the Lok Sabha, presented a rough blueprint in this way:

"Finally, the more I have thought about it, the more I have been attracted to something which I used to reject seriously and which I suppose is not at all practicable now. That is the division of India into four, five or six major groups regardless of language, but always, I will repeat, giving the greatest importance to the languages in those areas. I do not want this to be a thing to suppress language, but rather to give it an encouragement. That, I fear, is a bit difficult. We have gone too far in the contrary direction. But I would suggest for this House's consideration a rather feeble imitation of that. That is whatever final decisions Parliament arrives at in regard to these States, we may still have what I would call Zonal Councils, *i.e.*, a group of 3, 4 or 5 States, as the case may be, having a common council. To begin with, I would say that it should be an advisory council. Let us see how it develops. Let it be advisory; let the Centre also be associated with it for dealing with economic problems as well as the multitude of border

problems and other problems that arise. There can be, let us say, five such zonal areas. There may be . . . in some place a common High Court, a common Governor, but common economy is more important. We are having these big schemes, river valley and others. It will be very helpful. In the main, I want to develop the habit of cooperative working to break down the wall. It may be that, later, the Advisory Zonal Councils may develop into something more important. I think, we should proceed slowly and cautiously so that people may not suspect an undermining of their state's structure. So, we could have, let us say, five : one for the north, one for the south, one for the east, one for the west, and one for the centre.”<sup>1</sup>

In the broadcast to the nation on 16 January, 1956, the Prime Minister again referred to the Zonal Councils and said, *inter alia* :

“We are recommending also the formation of five Zonal Councils which will give an opportunity for the States concerned in each zone to confer together about common problems and develop the habit of considering each other's difficulties and finding solutions for them . . . . The idea of any State standing by itself is of course absurd apart from its being opposed to the basic conception of India's unity.”<sup>2</sup>

Earlier, he, while commending this system in the Rajya Sabha, urged the Parliament to curb “this tendency in India towards too acute a State consciousness which has been encouraged even more by arguments about linguism and the like.”<sup>3</sup> The Government of India's communique (16 January 1956) on the States Reorganisation Commission Report also referred to the formation of these Zonal Councils and mentioned:

“As a further step in the direction of inter-state coordination, the Government of India proposes simultaneously with the creation of the new States, to establish Zonal Councils, which may deal with matters of common concern to the States in different zones, including economic planning and questions arising out of re-organisation. The Zonal Councils will be deliberative and advisory bodies . . . . If properly worked, however, these bodies would serve to promote

<sup>1</sup> Lok Sabha Debates, Vol. X, No. 25, 21 December 1955, col. 3513-14.

<sup>2</sup> The Statesman, 17 January 1956, p. 7.

<sup>3</sup> Rajya Sabha Debates, Vol. XI, No. 26, 24 December 1955, col. 4404.



inter-State concord and arrest the growth of acute State consciousness."<sup>4</sup>

It is, thus, apparent that behind the creation of the Zonal Councils has been a determination to check and thwart the feelings of separatism, parochialism and linguism, by promoting, in the words of Jawaharlal Nehru, 'the habit of cooperative working'<sup>5</sup> among the States. Basically, this has been the motivating force underlying the establishment of these bodies. Unlike the general run of advisory committees, the ends which the Zonal Councils are expected to subserve are fundamentally political and administrative. This general background sharply distinguishes these Councils from other advisory committees whose foremost objective it is to represent the particular interests, or to provide scientific or expert advice to the administration. They are, thus, not representative examples of advisory bodies but what may be called sub-federal links between the Centre and the States, having the following main objectives:

- (i) to achieve an emotional integration of the country;
- (ii) to help in arresting the growth of acute State consciousness, regionalism and particularist trends;
- (iii) to help in removing the after effects of separation in some cases so that the processes of reorganisation, integration and economic advancement may coalesce and synchronise;
- (iv) to enable the Centre and the States which are dealing increasingly with matters economic and social, to cooperate and exchange ideas and experience in order that uniform policies for the common good of the community are evolved and the idea of the socialist pattern of society is achieved;
- (v) to cooperate with each other in the successful and speedy execution of major development projects; and
- (vi) to secure some kind of political equilibrium between different regions of the country.

As pointed out earlier, the Council's advisory role is largely a result of political expediency. Installed with a view to containing the States' autonomy, the Zonal Councils invested with any substantive

<sup>4</sup> *The Statesman*, 17 January 1956, p. 7.

<sup>5</sup> *Lok Sabha Debates*, Vol. X, No. 25, 21 December 1955, col. 3514.

powers would certainly have aroused the States' antagonism to this scheme. Their purely deliberative and advisory character has made them acceptable to the States by assuaging their fears about possible encroachments on their autonomy. This aspect was emphasized repeatedly by the spokesmen of the Government in Parliament. Govind Ballabha Pant, for instance, categorically stated that the Zonal Councils must remain advisory: "While the Zonal Councils can enable the representatives of the States to meet together to discuss matters of common interest and in order to foster and facilitate the process of development, the final word should rest with the States. The Zonal Councils should not impinge upon the orbit of authority of the States."<sup>6</sup> No such finality was, however, envisaged in the Prime Minister's speech on this question. Rather, he perhaps believed their advisory role to be only a stop-gap arrangement.<sup>7</sup> It is, thus, apparent that endowing the Zonal Councils with advisory role has been a calculated move to soften, if not altogether overcome, the States' opposition to this scheme. In course of time the political experience—and expediency—might suggest gradual extension of executive power to them, thus making them shed their present advisory role. The compulsions under which the Zonal Councils were devised in 1956 have progressively become more sharpened with the passage of time. In the general context of the emphasis placed on national integration, the Zonal Councils may have to be further reinforced and in any such attempt a beginning might be made to replace, even partially, their advisory role by the executive and supervisory one. Indeed, in the eyes of the Central Government, this is a consummation devoutly to be wished for. This advisory role has been foisted upon them by force of circumstances and it may well be that, after undergoing this apprenticeship, they might be invested with executive functions.

There are five Zonal Councils which cover between themselves all the States and the Union Territories except the Andaman and Nicobar

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<sup>6</sup> *Lok Sabha Debates*, Twelfth Session (1956), Vol. IV, Pt. II, Col. 6492.

<sup>7</sup> Thus, when, for the first time, he proposed the setting-up of these Councils, he said: "To begin with, I would say that it should be an advisory council. Let us see how it develops . . . In the main, I want them to develop the habit of cooperative working to break down the wall. It may be that, later, the Advisory Zonal Councils may develop into something more important. I think we should proceed slowly and cautiously so that people may not suspect an undermining of their State's structure." *Lok Sabha Debates*, Vol. X, No. 25, 21 December 1955, col. 3514.

Islands, and the Laccadive, Minicoy and Amindivi Islands.<sup>8</sup> These two Union Territories are cut off from the mainland, and have, consequently, problems peculiar to themselves, not necessitating their participation in any of the five Zonal Councils. These Councils<sup>9</sup> are the following:

1. Northern Zonal Council : It comprises the States of Punjab, Rajasthan, Jammu-Kashmir and the Union Territories of Delhi and Himachal Pradesh.
2. Central Zonal Council : It comprises the States of Uttar Pradesh and Madhya Pradesh.
3. Eastern Zonal Council : It comprises the States of Bihar, West Bengal, Orissa, Assam and Nagaland and the Union Territories of Manipur and Tripura.
4. Western Zonal Council : It comprises the States of Maharashtra and Gujarat.
5. Southern Zonal Council : It comprises the States of Andhra Pradesh, Madras (now Tamil Nadu), Kerala, Mysore and the Union Territory of Pondicherry.

In constituting different zones, the principal factors that have been taken into account are:

- (i) natural divisions of the country;
- (ii) requirements of economic development;
- (iii) cultural and linguistic affinity;
- (iv) river systems and means of communication; and
- (v) requirements of security, and law and order.

It may here be noted that the demarcation of these five zones, outlined above, differed from that outlined in the 16 January communique in two important respects. That communique had left out the State of Jammu-Kashmir from the scheme of the Zonal Councils, and, secondly, placed Mysore in the Southern Zonal Council. It was only later that the State of Jammu-Kashmir was brought into this

<sup>8</sup> Also, the Union Territory of Goa, Daman and Diu has not yet (till 1963) joined any Zonal Council.

<sup>9</sup> Section 15 of the *States Reorganisation Act*, 1956.

scheme. Its exclusion would have only served to give rise to political conjectures and speculations. This move, therefore, brought that State on a par with the remaining constituent States of India. Secondly, Mysore, which was originally placed in the Southern Zonal Council, shifted later to its Western counterpart following the decision to retain the bilingual State of Bombay instead of bifurcating it<sup>10</sup> into two States of Maharashtra and Gujarat. As it needs two to form the Zonal Council, Mysore had to join Bombay, so that the Zonal Council might come into existence. Explaining this decision, B. N. Datar, the Minister of State in the Ministry of Home Affairs, said in the Rajya Sabha: "The object was that there ought to be one more State at least so far as the Western Zone was concerned and Mysore was near at hand, and it was, therefore, considered, in view of the historical relationship between certain parts of the expanded Mysore State, *viz.*, the Kannada parts of Bombay State, and the new Bombay State, perhaps it would be better to add Mysore to the Western Zone."<sup>11</sup> Though Mysore went over to the Western Zonal Council, it was informally arranged that this State would be a permanent invitee at the sessions of the Southern Zonal Council. With the bifurcation of the State of Bombay into Maharashtra and Gujarat, Mysore has formally joined the Southern Zonal Council.

#### COMPOSITION OF THE ZONAL COUNCILS

According to the States Reorganisation Act,<sup>12</sup> each Zonal Council consists of the following members:

- (a) a Union Minister to be nominated by the President (The Home Minister has been nominated under this provision), who serves as the Chairman.
- (b) the Chief Minister of each of the States included in the zone, and two other Ministers of each of such State to be nominated by the Governor.<sup>13</sup>
- (c) in the case of the Eastern Zone, the person for the time being

<sup>10</sup> The State of Bombay was bifurcated later (in 1960).

<sup>11</sup> *Rajya Sabha Debates*, Vol. XIV, col. 1362.

<sup>12</sup> Section 16.

<sup>13</sup> In the case of Jammu & Kashmir they are to be nominated by the *Sadar-i-Riyasat*. In case, the President's Rule has been proclaimed in a State, three members are to be nominated by the President.

holding the office of the Adviser to the Governor of Assam for Tribal areas.

The Chief Ministers<sup>14</sup> of the States included in each zone act as Vice-Chairman of the respective Zonal Councils by rotation, each holding office for a period of one year at a time. Further, there is the provision for associating the following Advisers with the Zonal Councils to assist it in the performance of its duties:

- (i) one person nominated by the Planning Commission;
- (ii) the Chief Secretary to the Government of each of the States included in the Zone;
- (iii) the Development Commissioner or any other officer nominated by the Government of each of the States included in the Zone.

Short of any right to vote in the Zonal Council or any of its committees, each adviser has a right to take part in the discussions of the Council or of any committee thereof of which he may be named a member.

#### MEETING OF THE ZONAL COUNCILS

Each Zonal Council meets at such time as the Chairman of the Council may fix, and observes such rules of procedure in regard to transaction of business at its meetings as it may, with the approval of the Central Government, lay down from time to time. It (unless otherwise determined) meets in the States included in that zone by rotation. The Chairman or in his absence the Vice-Chairman (or in the absence of both the Chairman and the Vice-Chairman, any other member chosen by the members present from amongst themselves) presides at a meeting of the Council. All questions at a meeting of the Zonal Council are decided by a majority of votes of the members present and in the case of an equality of votes the Chairman or, in his absence, any other person presiding has a second or casting vote. The Act also provides for the joint meetings of the Zonal Councils,<sup>15</sup> which may be convened to discuss a matter in which a State included in that zone and one or more States included in any other zone or zones have a common interest. The time and place of such meetings are fixed by the chairman in

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<sup>14</sup> In case of the President's Rule in a State such member from that State as the President may nominate in this behalf acts as Vice-Chairman of the Zonal Council.

<sup>15</sup> Section 22 of the *States Reorganisation Act*, 1956.

consultation with each other, and, also, the rules of procedure to be observed at joint meetings are framed by the Central Government. The Councils, meeting jointly, can make recommendations to the Governments concerned as to the action to be taken on that matter. This provision makes for inter-zonal contacts and cooperation, and, to that extent, enhances the usefulness of the Zonal Councils.

#### POWER TO APPOINT COMMITTEES

Each Zonal Council may, by Resolution, appoint committees<sup>16</sup> of its members and advisers for performing such functions as may be specified in the Resolution and may also associate with any such committee, such Ministers either for the Union or for the States and such officers serving either in connection with the affairs of the Union or of the States as may be nominated in that behalf by the Council. Such associated persons have a right to take part in the discussions of the committee but without a right to vote at a meeting thereof. Such a committee observes such rules of procedure as the Zonal Council may, with the approval of the Central Government, lay down from time to time.

#### SECRETARIAT OF THE COUNCIL

For each Zonal Council there is a secretariat consisting of a Secretary, a Joint Secretary and such other personnel as the Chairman may consider necessary to appoint. It is significant that the Joint Secretary of the Council must be an outsider who is not in the employ of the States represented in the zone and, besides, to be appointed by the Chairman. This provision is calculated to strengthen the position of the Central Government *vis-a-vis* the Zonal Council, for in the office of the Joint Secretary there is a person who maintains direct and continuous contact with the Central Government, and is, in fact, the latter's resident agent. The Secretary of the Council is appointed, by rotation, from amongst the Chief Secretaries of the States represented in the Council, and he holds office for a period of one year at a time. The office of the Zonal Council is located at such a place in the zone as may be determined by the Council. The administrative expenses of the office of the Zonal Council, including the salaries and allowances of the secretarial

<sup>16</sup> Section 18 of the Act.

staff of the Council other than the Secretary, are a charge upon the Central Government, and are met out of monies provided by Parliament for the purpose.

### FUNCTIONS OF THE COUNCILS

The Zonal Council is an advisory body which may discuss any matter<sup>17</sup> in which some or all of the States represented in that Council or the Union and one or more of the States represented in that Council, have a common interest, and advise the Central Government and the Government of each State concerned as to the action that may be taken on any such matter. In particular, and without prejudice to the generality of the above provisions, the Zonal Council may discuss, and make recommendations with regard to,

- (i) any matter of common interest in the field of economic and social planning;
- (ii) any matter concerning border disputes, linguistic minorities or inter-State transport; and
- (iii) any matter connected with or arising out of the re-organisation of the States under this Act.

It is, thus, apparent that the functions of the Zonal Council include discussion of, and making recommendations with regard to, matters of common interest in any field including, particularly, the field of economic and social planning, and issues of border disputes, linguistic minorities or inter-state transport, and those emerging from the States' reorganisation. It is an inter-state forum for the discussion and settlement of matters of mutual interest. The move to entrust it with tasks of positive nature, like matters in the field of economic and social planning, offsets the risk of its relapsing into a body engrossed wholly with disputes, border, linguistic, etc. Further, the association of the Planning Commission with the Zonal Council results in the latter acquiring a much-desired economic and social orientation. This desire to induce the Council to come into close grips with matters of economic and social planning helps in canalising its energies into fruitful channels, but, at the same time, reflects the mood of the time, as is borne out by the following observation of the Prime Minister: "Our country's thinking has become much more economic and social than political" whereas it

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<sup>17</sup> Section 21.

used to be "pre-eminently political" while the country was engaged in the struggle for independence.<sup>18</sup>

#### THE CENTRAL GOVERNMENT VIS-A-VIS THE ZONAL COUNCIL

The Central Government's grip over the Zonal Council is complete and even unrelenting, and obviates the possible danger of the Zonal Councils rearing their heads as mighty Zonal States, which could eventually undermine the undoubted supremacy of the Centre. The Zonal Councils form an integral part of the administrative machinery of the Central Government, though they advise Governments of the States as well as that of the Centre; and besides, they have their headquarters located in their zones. The Chairman of the Zonal Council is the Union Minister (the Home Minister has been nominated as the Chairman), and the permanent association of the Planning Commission's nominee with the Council further serves to reinforce the central authority and power. Besides, the Joint Secretary is appointed by the Chairman from amongst officers not in the service of any of the member-States. This officer may, therefore, be looked upon as a resident agent of the Central Government. Further, not only do the rules of procedure observed in the meetings of the Council require the prior approval of the Central Government, the time and date of meeting are also determined by the Chairman. It is significant also that the administrative expenses of the office of the Zonal Council are borne by the Central Government.

The presence of the Central Government in the Zonal Council not only helps impart national outlook to its deliberations and decisions but it also helps resolve the inter-state wrangles amicably. As the Central Government is the common denominator in all the five Zonal Councils, this, also, helps bring about a uniform pattern of approach to certain problems.

#### COORDINATION BETWEEN THE ZONAL COUNCILS

Though Zonal Councils constitute distinct and separate entities, they, nevertheless, do not function in total isolation from one another. There have been provided channels of communication, some of which are in continuous operation, while others could be activated in

<sup>18</sup> *Rajya Sabha Debates*, Vol. XI, No. 26, 24 December 1955, col. 4395.



times of need. The Central Government, which is associated with all the five Zonal Councils, facilitates both communication and coordination between them in addition to its acting as a lever. Secondly, there is a statutory provision for summoning joint meetings of the Zonal Councils to discuss matters in which a State included in one Zonal Council and one or more States included in other Zonal Councils have a common interest. So far, however, there has been no occasion to invoke this provision. Thirdly, the provision for exchange of agenda and proceedings approved by all the five Zonal Councils, helps keep the States fully apprised of the activities of all the Zonal Councils. This also serves the object of the Zonal Councils exercising wholesome influence on one another. Lastly, the device of constituting a committee of Vice-Chairman of the Zonal Councils has been taken advantage of in evolving a uniform administrative pattern in certain areas of action, such, for example, as the matter of safeguards for linguistic minorities. It is not unlikely that such a device would be more widely used in many new spheres. The physical confrontation of the Vice-Chairman not only lifts the deliberations from the zonal to the national level, but it, at the same time, acts as the most potent instrument which brings about communication and coordination.

#### ZONAL COUNCILS AND ARTICLE 263 OF THE CONSTITUTION

It would be interesting to analyse whether the system of Zonal Councils had been anticipated by the Constitution-framers. In a federal polity inter-State disputes are not uncommon, and, though the Supreme Court has the competence to decide such disputes, there is still the need for some constitutional machinery for resolving those matters which, strictly speaking, are of a non-legal character. Article 263 of the Constitution envisages an Inter-State Council, which, apparently, bears a striking resemblance to the Zonal Council. The Article says:

“If at any time it appears to the President that the public interests would be served by the establishment of a Council charged with the duty of :

- (a) inquiring into, and advising upon disputes which may have arisen between States;
- (b) investigating and discussing subjects in which some or all of the

States or the Union and one or more of the States, have a common interest; or

- (c) making recommendations upon any such subject and, in particular, recommendations for the better coordination of policy and action with respect to that subject, it shall be lawful for the President by order to establish such a Council, and to define the nature of the duties to be performed by it and its organisation and procedure."

The Zonal Councils are not carved in the spirit and image of the Inter-State Council contemplated in the Constitution (it has not yet been set up). The former are advisory and deliberative organs, and emphasize, more sharply, the inter-state as well as the Union-State collaboration. Also, the economic and social bias imparted to them is not implicit in the Inter-State Council. Furthermore, the area of operation of the Zonal Council is a region comprising some contiguous States whereas the Constitution contemplates an Inter-State Council with apparently no regional affinity.

#### FUNCTIONING OF THE ZONAL COUNCILS

The Zonal Council has a region, covered by its member-States, as the unit and base of its operations. It, therefore, sets uniform patterns of coordinated activities within the region. Also, the presence of the Central Government helps in directing and stimulating its activities in the directions generally favoured by the Centre. The Zonal Council, as a result, has grown into an instrument in the hands of the Central Government to formulate, where considered desirable, uniform provisions in certain spheres of actions, subject, no doubt, to local variations. Particular mention, in this background, may be made of the safeguards for linguistic minorities, and the formation of a common police reserve force accepted by all the Zonal Councils. The Zonal Councils have accepted, in principle, the decisions embodied in the Central Government's memorandum on safeguards for linguistic minorities, which lays down common policy with regard to these safeguards.

How the Central Government inspires and stimulates these organs to agree to uniform patterns of action calls for analysis and comment.

It may be mentioned that the formation of a common zonal Police Reserve Force has been considered, and agreed upon, by all the Zonal Councils at the instance of the Central Government. The journey of this proposal is described in what follows, to illustrate that the inner core of a proposal remains intact, though minor variations, of a strictly local nature, do gather around it.

#### THE QUESTION OF FORMATION OF A COMMON POLICE RESERVE FORCE SOUTHERN ZONE

The Southern Zonal Council considered the question at its second meeting held in September 1957. It was then decided that the matter might be examined by a committee consisting of the Inspectors-General of Police of each State included in the zone. At its fourth meeting held in October 1958 the proposal to form a pool of available Police Reserves from the States of Andhra Pradesh, Madras and Mysore was accepted, and the Inspectors-General of Police were invited to work out further details. The main recommendations of the Inspectors-General who considered this proposal are as follows:

1. The Reserve Police Force should be given joint training for two months every year in different States by rotation.
2. It would be desirable to have uniform training arrangements and a uniform scale of pay for the companies earmarked for the Zonal Reserve Police Force.
3. The Force should be requisitioned from outside a State at Government level.
4. A detachment when deputed to another State should carry arms and equipment according to the scale prescribed by the Government of India.
5. The Zonal Council might consider the question of adoption of uniform pay-scales for the Reserve Force.
6. The personnel of the Force should be entitled to free food when on joint training or operation. In addition, they should be given an extra allowance when serving outside their State whether on training or operation. The extra cost incurred during the period of training should be borne equally by all the States in the zone, and the operation allowance, travelling allowance, etc., should be borne by the State which requisitions the force.

7. The Force should be under the operational command of the Inspector-General of the State or an officer nominated by him.
8. A start should be made with a small detachment of 4 active companies with necessary headquarters staff in each State.

The disparity in the scales of pay for the police forces in the three States as well as the inability of some State (Mysore) to earmark the quotas for zonal force posed some problems for the Council, for disparity in the pay-scales for the forces is apt to generate discontentment among the participating units.

#### EASTERN ZONE

The Eastern Zonal Council has adopted the scheme for a Common Police Reserve Force. At its second meeting held in January 1958 it submitted this matter to a committee consisting of the Inspectors-General of Police and some police officials of each of the concerned States for further examination. This committee recommended:

1. The Common Police Reserve Force should begin functioning immediately with the proposed contributions of the member States.
2. The Central Government should locate at least one battalion of the Central Reserve Police Force somewhere in West Bengal or Bihar.
3. The proposed Force should initially be trained and equipped on semi-military patterns.
4. Joint camps should be arranged for a month or so during the slack season at which the different units of the Common Police Reserve Force should carry out joint training and manoeuvre.
5. A post of Police Adviser to the Eastern Zonal Council should be created in the rank of an Inspector-General of Police.
6. Member-States should contribute only when they requisition force from outside their State.
7. The strength of the battalions and companies in the member-States need not be uniform for the present.
8. The Reserve Force, when requisitioned, should always function under the Inspector-General of Police of the requisitioning State.

## NORTHERN ZONE

The question of having a Common Police Reserve Force for the Northern Zone engaged the attention of the Council in March 1958 at the suggestion of its Chairman, Govind Ballabha Pant. The matter was referred to the Inspectors-General of Police for examination. The report submitted by the Inspectors-General of Police was considered by the Council at its fourth meeting held in January 1959. Referring to the recommendations of the committee about contributions to the Reserve Force of one or two or three companies by different States in the Zone, and an equal contribution by the Central Government, the Chairman observed that there was no question of the Central Government contributing any addition to the Reserve Force. The States should arm and equip adequately some of their companies or battalions which would form part of a mobile reserve force and be deployed in any State, should an occasion arise. It was in the interest of the States to have such a common reserve instead of providing for requisite reserves in their own forces and incurring additional expenditure thereon. The proposal for a Common Police Force was accepted in principle, and the Chief Ministers of Jammu-Kashmir, Rajasthan and Punjab were requested to work out details. The committee of Chief Ministers recommended:

1. The Common Police Reserve Force should have 18 companies (Punjab 6, Rajasthan 4, Jammu-Kashmir 3, Delhi 4, and Himachal Pradesh 1).
2. The composition and equipment of the companies should be uniform.
3. The control over the Force contributed by the member-States should remain with the Inspector-General of Police of the State which raised them. When they are requisitioned by any member-State, the control and command would vest in the Inspector-General of the borrowing State.
4. The reserve force should have joint training for one month every year by rotation in the various States according to the programme of training to be drawn up by the Inspectors-General of the States.
5. It is not necessary to have a post of Police Adviser to the Council. The Inspector-General of Police of the State, whose Chief Minister

and Chief Secretary are functioning as the Vice-Chairman and the Secretary respectively of the Council in any year, should be in overall charge of the training and development of units of the Common Force, and he may seek any directions from the Secretary of the Council.

#### CENTRAL ZONE

The idea of a Common Reserve Police Force is not new to the Central Zone, as the two States had been maintaining in the past some sort of a common force to deal with the dacoit menace. Agreement to have a common police reserve could prove economical and in the interests of both the States.

At the instance of the Chairman, the item 'Formation of a Common Police Reserve in the Central Zone' was included in the agenda for consideration at the third meeting of the Council held in June 1958. A committee was appointed to examine the feasibility of having a Common Police Reserve Force for the zone. It recommended:

1. The proposed zonal force would be of advantage only if the Central Government contributed equally alongwith the two participating States and also shared the initial cost of equipping the Force.
2. The Force will be equipped and trained on semi-military lines and will be provided with wireless equipment, automatic weapons and transport.
3. The force will assemble together for a month in a year for such training as the participating States may decide.
4. The entire Reserve Force will be under the unified command of an officer of the rank of Superintendent of Police to be called Commandant of the Zonal Reserve Force. This officer will be in overall charge of the force. For the purposes of administrative control, the Inspector-General of Police of each State will act in rotation for a period of three years each as the controlling authority of the force above the Zonal Commandant.
5. The Reserve Force will essentially be treated as a real reserve and should not be used for simple and common occurrences; it will be kept in readiness as a striking force for situation which may be outside the competence of their regular police force.

The Central Government expressed its reluctance to contribute any share to the cost either in the shape of men, material or money. It commended the pattern followed elsewhere: States should earmark a part of their police force for the Common Reserve in the zone and make special arrangements for training in order to serve this purpose. This ensures that no extra commitments have to be undertaken by the State Governments and the zonal reserve does not remain idle by being kept out of the normal duties in the respective States.

#### WESTERN ZONE

The Western Zonal Council, at its second meeting, decided that 'for the present' the constitution of a Common Police Reserve Force for the Zone was not necessary. Subsequently, however, it veered round this proposal. In October 1961 the matter was referred to a committee of the Chief Secretaries of the two States. The issue did not prove difficult, as, not long ago, the two States had formed the unbifurcated State of Bombay.

The Zonal Councils stimulated and directed by the Centre, thus, strive to bring about uniform patterns of behaviour and standardisation of practices in certain spheres of activities. This aspect, however, does not constitute the entire taskload of the Councils. They have, for instance, taken up for discussion and settlement, if possible, the border disputes between States, such as the Bihar-West Bengal border dispute,<sup>19</sup> the Maharashtra-Mysore dispute, etc. The latter has repeatedly figured for discussion in the sessions of the Western Zonal Council, but no agreement has so far been reached. The Bihar-West Bengal border dispute, namely, whether the village of Govindpur on the border of the districts of Malda in West Bengal and Purnea in Bihar is part of West Bengal or Bihar, is still pending. This matter was considered by the Eastern Zonal Council at its meeting in Bhubaneswar, and it was decided that the Chief Secretaries of the two governments should make an on-the-spot enquiry with a view to finding out the factual position and, till then, *status quo* should be maintained. More fortunate results

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<sup>19</sup> Starred Question 1137, 22 December 1959, *Lok Sabha Debates*, Ninth Session, Vol. XXXVII, No. 27, col. 6484-85; Starred Question No. 1198, 20 August 1960, *Lok Sabha Debates*, Eleventh Session, Vol. XLV, No. 15, col. 3726-27.

have, ensued in the case of border dispute between Mysore and Andhra Pradesh. Mysore agreed at the Southern Zonal Council meeting, held in September 1961, to transfer a 7½ acres' enclave in Avakavari Palli (Kolar district) to Ananthapur district, Andhra Pradesh, in exchange for an equal extent of area by Andhra Pradesh.

The comparative failure of the system of Zonal Councils with regard to the solution of border disputes between the States should not give an impression of a sense of utter futility brooding over the deliberations of the Zonal Councils. This is not wholly true. Thus, out of thirteen recommendations<sup>20</sup> made by the Northern Zonal Council at its fourth session, eight were accepted and the remaining five were stated to be 'under consideration'. Lastly, it is necessary to analyse the activities of one of the Zonal Councils with a view to illustrating the general effectiveness of these bodies and the role that they play in the field of Centre-State and inter-State relationship.

#### NORTHERN ZONAL COUNCIL

Each Council, it is true, has developed its own nuances and undertones and, therefore, differs from its other counterparts in both details and positive achievements. Nevertheless, the common institutional characteristics as well as the milieu within which these Councils necessarily operate do not, perhaps, make for any fundamental differences or deviations. The overall conclusions emerging from the present study may, therefore, generally hold good in the case of other Councils as well.

The Northern Zonal Council consists of five units, viz., three States—Jammu-Kashmir, Punjab and Rajasthan—and two Union Territories—Delhi and Himachal Pradesh. This Zone has been, in a sense, a pioneer in initiating the zonal approach to the emergent problems arising between the different units in the particular Zone. It had already developed a considerable pool of experience of the functioning of zonal institutions. There was in existence in this Zone a Joint Advisory Council comprising Punjab, PEPSU and Himachal Pradesh. The Advisory Council was charged with the function of coordinating economic and industrial planning and the welfare activities of the three

<sup>20</sup> Appendix II, Annexure No. 31, *Lok Sabha Debates*, Second Series, Eighth Session, 13 August 1959.



Governments and, further, of initiating measures of common interest and benefit to the people. It also undertook to exchange statistical and other information and to help in formulating common policies in matters like food, civil supplies, excise and transport. Besides, the Bhakra Control Board comprising the representatives of Punjab, PEPSU, Himachal Pradesh and Rajasthan began providing a common platform to these States. To this Zone, therefore, the Zonal Council has generally meant to be rather an extension of a continuing practice, of course, over an extended sphere of activities.

Each Zonal Council evolves, adjusts and integrates itself in accordance with the needs of the Zone. Functioning within this broader framework, it provides a meeting ground for inter-State cooperation in matters of common interest. The Northern Zonal Council could, therefore, address itself with advantage to a number of important matters of an inter-State character:

1. Apart from the main Bhakra Nangal Project, an important problem concerning the Zone is that of soil-conservation in the catchment area of the Sutlej and the Beas in Himachal Pradesh, which measure is vital for the project and especially the Nangal Hydel Canal. The Nangal Hydro-electric grid already cuts across the boundaries of Himachal Pradesh, Punjab and Delhi, and this Zone is almost a natural region for purposes of power development. The utilisation of the power potential from the Bhakra project is dependent upon a long-term plan of coordinated industrial development and a common tariff policy in the Zone.
2. The construction of the mighty water projects would ultimately result in the development of an area of about 3.0 million acres in Punjab and Rajasthan—a consummation of the wishes of the people of the Zone. This, too, calls for continuous coordination between the States in crop-planning, fixation of water rates, etc.
3. Himachal Pradesh, being without an extensive network of railways, depends upon private road transport covering the area from points in Punjab. Any scheme of nationalisation of the road transport system, therefore, obviously calls for coordination between Punjab and Himachal Pradesh.
4. There is much in common between Jammu-Kashmir and Punjab. Not only do they guard the northern border, but also have to deal with common problems of law and order.

Besides, they must evolve a unified approach to various problems in the interest of their own economic development. The closeness of Jammu-Kashmir and Punjab is also highlighted by the fact that Punjab is the only link connecting Jammu-Kashmir with the rest of India.

As against these factors making for increased cooperation in the Zone, there are simultaneously at work other factors that tend to weaken the urge to cooperate. Though there are three States and two Administrations in this Zone, all are not, however, organically related to each other. At best, the inter-relationship exists between Rajasthan and Punjab, Himachal Pradesh and Punjab, and Jammu-Kashmir and Punjab. The Union Territory of Delhi has a distinctly metropolitan character, although it looks to Punjab for certain limited purposes such as supply of water and electricity to the capital. Punjab, with its Bhakra-Nangal Project on which the economy of other States and Territories have come to depend in varying degrees, is easily the focal point in the Zone. Her developed state of technical education, transport system, power development, irrigation facilities have made the sister States dependent on her in diverse ways.

The Central Minister for Home Affairs is the *ex-officio* Chairman<sup>21</sup> of all the Zonal Councils including the Northern Zonal Council and, as such, he presides at the meetings of this body. The importance attached to these Councils is indicated by the fact that he has always attended the meetings of the Council.<sup>22</sup> The Chief Minister of the member-States, each accompanied by one or two ministers, have been attending the meetings. The Chief Minister of Rajasthan, and the Prime Minister<sup>23</sup> of Jammu-Kashmir have each abstained once—of course, on separate occasions. The proceedings of the Council are, however, not suspended in the event of such abstentions. The Council is empowered to hold a meeting even if a certain State remains unrepresented. There has, nevertheless, grown a convention that the Council should postpone taking any decision affecting a State if it is

<sup>21</sup> Section 16(2) of the *States Reorganisation Act*, 1956.

<sup>22</sup> The Act has, no doubt, provided alternative arrangement in the event of the Chairman's absence from meetings. In his absence, the Vice-Chairman or in the absence of both the Chairman and the Vice-Chairman, any other Member chosen by the members present from amongst themselves shall preside at a meeting of the Council. Vide Section 17(3) of the Act.

<sup>23</sup> The Head of Government in Jammu-Kashmir bears the designation of Prime Minister. Vide Article 35 of the Constitution of Jammu-Kashmir.

not represented in a certain meeting. In the instance referred to above, however, the States of Rajasthan and Jammu-Kashmir were each represented by a set of two ministers, the absence of the Chief Minister, thus, not materially affecting the proceedings. As regards the Union Territories, Delhi is represented by its Chief Commissioner, and Himachal Pradesh by its Lieutenant-Governor. Since 1958 the Chairman of the Himachal Pradesh Territorial Council, and since 1961 the Mayor of the Delhi Municipal Corporation have also been attending the meetings. Accompanying the ministerial team are the Chief Secretary and the Development Commissioner of the State concerned, who attend the meetings as Advisers.<sup>24</sup> The officials of the Central Government are also among those who attend. In addition to the officials of the Home Ministry, there are present also the officials of those ministries concerned with a matter on the agenda of the meeting. The statutory provision for the presence of a representative of the Planning Commission in the meetings is pointer to an urge to take the Council in the direction of regional development and planning. The Zonal Council is, thus, designed as a summit meeting of the chief executives of the member-States. Consequently, it is the highest policy-making agency of the entire zone. The nature of its composition, its short one-day sessions, the long intervals between meetings—all compel it to devolve the preliminary detailed investigations and analyses of issues on formally constituted committees<sup>25</sup> or similar informal arrangements. The formation of committees may either precede policy-making or follow it. Normally, the Northern Zonal Council would prefer waiting until the problem

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<sup>24</sup> The provision for these officials has been made in the Act itself. Section 16(4) for instance, says:

“The Zonal Council for each Zone shall have the following persons as Advisers to assist the Council in the performance of its duties, namely:

- (a) one person nominated by the Planning Commission;
- (b) the Chief Secretary of the Government of each of the States included in the Zone; and
- (c) the Development Commissioner or any other officer nominated by the Government of each of the States included in the Zone.”

<sup>25</sup> Section 18(1) of the Act had, in fact, anticipated such a trend. It, for instance, provides:

“A Zonal Council may from time to time by resolution passed at a meeting appoint committees of its members and advisers for performing such functions as may be specified in the resolution and may associate with any such committee, such Ministers either for the Union or for the States and such officers serving either in connection with the affairs of the Union or of the States as may be nominated in that behalf by the Council.”

has been thoroughly explored by a committee either formally constituted or informally devised. Most of the committees have been constituted as being preparatory to policy-making, although it has also happened that a committee has been set up after a policy has already been accepted 'in principle'. In such a case the committee is required to prepare a detailed scheme to implement the policy. The committee of the Chief Ministers of Punjab, Rajasthan and Jammu-Kashmir to scrutinise the scheme for the Common Police Reserve Force for the Zone is an example of this type of committee. Besides, the formally constituted committees comprise, either exclusively or predominantly, the civil servants from different States, although there is a standing Ministers' Committee on Manpower Planning, illustrating the presence of the political element in a formal committee. Most of the informally devised committees, on the other hand, consist of the political element. Thus, the Zonal Council entrusted the question of opening of direct bus-service between Jaipur and Delhi to the Transport Ministers of Punjab and Rajasthan and the Chief Commissioner of Delhi for further discussion. Further, most of the committees and all informal ones are of an *ad hoc* nature, wound up after completion of the assigned task. If, however, a problem demands continuous attention and assessment, the committee may be created as a standing one. Of the six formal committees constituted so far, three have been of an *ad hoc* nature, the remaining three being standing ones.

#### AD HOC COMMITTEES

1. Committee of the Inspectors-General of Police of the participating States/Administrations to frame a detailed scheme of Common Police Reserve Force for the Northern Zone.
2. Committee of the Chief Ministers of Rajasthan, Punjab and Jammu-Kashmir to examine the scheme prepared by the committee of the Inspectors-General of Police for Common Police Reserve Force.
3. Committee of the Inspectors-General of participating States/Administration to consider changes required to be introduced in the Police Manual of Punjab to suit the needs of all of them.

#### STANDING COMMITTEES

1. Ministers' Committee on Manpower Planning, consisting of the Chief Minister of Rajasthan, Lieutenant-Governor of

Himachal Pradesh, Chief Commissioner of Delhi, and two named Ministers, each representing Punjab and Jammu-Kashmir.

2. Officials' Committee on Manpower Planning comprising the Chief Secretaries of the participating States/Administrations, to collect the necessary material and to draft proposals for the consideration of the Ministers' Committee.
3. Technical Zonal Committee on Power Development consisting of:
  - (a) a representative of the Central Water and Power Commission;
  - (b) a representative of the Ministry of Commerce and Industry (Development Wing);
  - (c) Chief Electrical Engineers of the State Electricity Department and/or the Electricity Board of the member-States, including representatives of Himachal Pradesh and Delhi; and
  - (d) a representative<sup>26</sup> of the Natural Resources Division of the Planning Commission.

The Secretariat of the Northern Zonal Council is located in Delhi, and comprises a Secretary, a Joint-Secretary and "such other officers as the Chairman may consider necessary to appoint".<sup>27</sup> The office of Secretary being floating in nature, the real functionary is the Joint-Secretary who is an outsider<sup>28</sup> normally drawn from the Ministry of Home Affairs. Subject to the control of the Secretary, he is competent to perform all or any of the functions of the Secretary. Also, he is the Member-Secretary of every committee constituted by the Council. The Secretary informs every member and Adviser of the place, date and time fixed for the meeting and also furnishes him with a memorandum indicating the salient facts of each case, the points for consideration and the views, if any, of the Governments concerned; and any other papers that may be necessary for the consideration of each case included in the agenda. A member who wishes to bring any matter for consideration

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<sup>26</sup> Originally, there was no such provision. The Planning Commission made a proposal for inclusion of its representative in this committee in the fifth meeting of the Council held in October 1959. The proposal was accepted.

<sup>27</sup> Section 19(1).

<sup>28</sup> Section 19(3) of the Act prescribes: "The Joint-Secretary of the Council shall be chosen from amongst officials not in the service of any of the States represented in the Council and shall be appointed by the Chairman."

at a meeting specifies it in a memorandum and sends it to the Secretary. Matters are brought before a meeting only by the direction of the Chairman whose decision on the question whether any matter falls within the purview of the Council or not is final. The agenda of a meeting is, thus, prepared with the approval of the Chairman. The Secretary also ascertains from the Governments concerned the action taken on the Council's recommendations. To this end, he undertakes the necessary correspondence and prepares a quarterly summary indicating the action taken by the Governments concerned on the Council's recommendations. As regards the administrative expenses of the Secretariat, they are met by the Central Government out of monies provided by law for the purpose.<sup>29</sup>

The earliest decisions of the Northern Zonal Council were on procedural matters which the States Reorganisation Act did not itself specify. The Council was, therefore, called upon to determine questions such as order of rotation for holding the offices of Vice-Chairman and Secretary<sup>30</sup> of the Council, location of office,<sup>31</sup> order of rotation of States for holding meetings,<sup>32</sup> or otherwise fixing the place of the meetings,<sup>33</sup> and, finally adoption of rules of procedure.<sup>34</sup> At its first meeting held in April 1957, the Council decided that the order of rotation for holding the offices of Vice-Chairman and Secretary should be the alphabetical order of the names of the States. In the first year, therefore, the Prime Minister of Jammu-Kashmir was the Vice-Chairman followed in the next year by the Chief Minister of Punjab. The office of Secretary is also held by the Chief Secretaries in the same order of rotation. As regards the order of rotation of the States for holding meetings, it is the same as that for the office of Vice-Chairman. In this principle of rotation is implied the equality of all the participating States in the entire set-up of the Zonal Council and, therefore, is democratic in character. It may, however, be noted that the two Union Territories of Delhi and Himachal Pradesh have been completely left out of the picture while making assignments of these offices. They have attracted these apparent disabilities because of the absence of a democratic set-up

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<sup>29</sup> Section 20(2).

<sup>30</sup> Section 16(3).

<sup>31</sup> Section 19(2).

<sup>32</sup> Section 20(1).

<sup>33</sup> Section 17(2).

<sup>34</sup> Section 17(1) and 18(3).

there. This less than equal status implicit in such arrangements has handicapped them psychologically. Further, the absence in the Council of the political elements from these territories has materially weakened the cause of at least one of them, *viz.*, Himachal Pradesh.

Legally, the Northern Zonal Council, like other Councils, came into existence on 1 November 1956, when the States Reorganisation Act became effective. However, its first meeting could be held only after nearly six months. In all, it has met six times, each meeting being restricted to only one day:

<i>Meeting</i>	<i>Date on which held</i>
First	23 April 1957
Second	5 October 1957
Third	2 March 1958
Fourth	18 January 1959
Fifth	22 October 1959
Sixth	11 July 1961

There is, thus, no regularity in the Council's meetings. The frequency of meetings was higher in the beginning. Since 1959, however, the intervals between meetings have been longer.<sup>35</sup> Eighty-seven items have figured on the agenda of all the six meetings. Leaving out of account both the procedural matters and those items that have been either repeated in subsequent meetings, or withdrawn without any discussion, the Northern Zonal Council has discussed sixty-one items in all. Many of the items that have been repeated on the agenda are those which the Council referred back for settlement between the parties concerned, but which, however, could not be settled, causing their reappearance on the agenda in subsequent meetings. There have also been some issues which required further examination by experts. The issue of formation of a Common Police Reserve Force in the Zone has successively figured in the meetings of the Council. This was, after a brief discussion in the Council, entrusted to a committee of Inspectors-General of Police for preparing a detailed scheme. The Council discussed this

<sup>35</sup> This is the trend with all the Zonal Councils. The Eastern Zonal Councils, thus, met once in 1957, twice in 1958, once in 1959, 1961 and 1962. It did not hold any meeting during 1960. The Southern Zonal Council, too, met twice in 1957 and 1958 and once in 1960, 1961 and 1963. It did not hold any meeting during 1959 and 1962. Similarly, the Central Zonal Council has met in early 1963 nearly three years after its fourth meeting held in August 1960.

scheme but preferred submitting it for scrutiny to a committee of the Chief Ministers of Punjab, Rajasthan and Jammu-Kashmir. The experts' scheme as modified by the Chief Ministers' Committee came up for final consideration by the Council at its sixth meeting held in July 1961.

The major achievements of the Northern Zonal Council lie in the spheres of both intangibles and tangibles. The Council has been instrumental in bringing three States and two Union Territories nearer each other. This has not only been conducive to fuller and better understanding of each other's points of view, but also to the emergence, though not yet clearly defined, of somewhat integrated thinking in some of the areas of operation. Even within the State's exclusive sphere of functions, there is, as a result, an increased lateral dependence on each other. The Council has also served to restore the balance generally found lacking in a federal constitution with its accent on vertical relationship—between the Centre and the States—by emphasizing the importance of horizontal, *i.e.*, the inter-state, relationship at the same level. Such an institution, thus, enriches the contents of a federation. Further, the inclusion of the State of Jammu-Kashmir in this Council overcomes, in an imperceptible way, the quasi-separateness of this constituent State of Indian Union, resulting from its having a separate constitution. That State is, as a consequence, brought closer to the neighbouring States.

Apart from these advantages, positive benefits have accrued as a result of the deliberations of the Council during the last seven years. These may, for discussion here, better be summarised under the following heads:

- (a) Power Development;
- (b) Manpower Planning including planning of training facilities;
- (c) Common Police Reserve Force for the Zone; and
- (d) Agreements on miscellaneous matters.

#### POWER DEVELOPMENT

The resources for power generation may be developed more economically on a regional basis. It is not unlikely that while demand for power exists in one State, the potentiality of power generation may



abound in a contiguous area falling within another State. Quite understandably, coordinated and jointly conceived schemes for power development in neighbouring States are called for to achieve this end. The expert opinion, too, favours such a coordinated approach. The all India Power Engineers Conference, held at Bangalore in January 1957, commended planning of power development on zonal basis in the interests of securing optimum utilization of the resources of the entire region and, to this end, specifically recommended that each of the five Zonal Councils should constitute a Technical Zonal Committee to advise regional authorities on problems of coordinated development of power resources in the Zone. In consequence, the Northern Zonal Council<sup>36</sup> set up, in 1957, a Standing Technical Zonal Committee on Power Development. The Committee has evolved arrangements for expediting the construction of transmission lines for the supply of power from Bhakra-Nangal to Rajasthan and a phased programme for the supply of power to Delhi. Further, in pursuance of the Committee's recommendations, the Zonal Council has recommended that the Bhakra Control Board should take up preliminary work of the right bank power station scheme.

#### MANPOWER PLANNING

Manpower Planning has been receiving the attention of the Council since its very inception. To this end, the Council has set up two committees—the Ministers' Committee, and the Officers' Committee—to examine this question in all its ramifications. The latter committee is conducting its activities on the basis of the following broad principles:

1. Common training programme for manpower requirements should be prepared on a zonal basis;
2. Seats should be reserved in the institutions of the States in the Zone with a view to bringing them closer together;
3. Engineering, medical and agricultural colleges in the Zone should provide a common ground for the trainees of the different States; and
4. Training facilities, arranged on a zonal basis, should be suitably located and equitably distributed in the Zone.

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<sup>36</sup> It may be mentioned that the proposal to constitute such a committee was opposed by Punjab. After some discussion, the proposal was, however, accepted, but the composition of the committee has been modified in accordance with the wishes of Punjab.

Gradually, institutions of complementary character are now emerging and a specified number of seats are being earmarked for candidates from different States in the Zone. Thus, Punjab has got a fixed number of seats reserved for its engineering, medical and agricultural colleges for students from Jammu-Kashmir and Himachal Pradesh. Similarly, the Himachal Pradesh institutes engaged in imparting training to Gram Sewaks and Gram Sevikas are now open to candidates from all the member-States, and Punjab, Jammu-Kashmir and Rajasthan<sup>37</sup> are, as a result, availing themselves of this facility.

#### COMMON POLICE RESERVE FORCE

The formation of a Common Police Reserve Force has added urgency in this Zone in which all States and territories (except Delhi) have a responsibility in regard to the problems pertaining to law and order on the country's borders. This question, which engaged the attention of the Council in March 1958, was referred to Inspectors-General of Police for detailed examination. The report submitted by the Inspectors-General was considered by the Council at its meeting held in January 1959. At this meeting the proposal for the Common Police Reserve Force was accepted in principle and the Chief Ministers of Rajasthan and Punjab and the Prime Minister of Jammu-Kashmir were asked to work out necessary details which were later approved by the Council in October 1959. This scheme has since come into force. The Common Police Reserve Force consists of an agreed quota from the existing reserves in the states and Union Territories. Arrangements have been made for the joint training of the Reserve Force for a short period every year by rotation in different States/territories. The Inspectors-General of Police have been, by turn, put in charge of coordination of matters relating to the Reserve Force. The Northern Zone may, as a consequence, reckon now on a police force which may be deployed anywhere in an emergency.

#### AGREEMENT ON MISCELLANEOUS MATTERS

Lastly, mention deserves to be made of various other matters, albeit of a minor nature, on which the Council could reach

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<sup>37</sup> Rajasthan sends only female candidates for training.

accord. The more important among such items are enumerated below:

- (i) Himachal Pradesh's demand that Punjab should construct culverts on the Nahan-Ambala road was accepted.
- (ii) Punjab agreed not to charge any capitation fee from mental patients of Himachal Pradesh (H.P.) admitted into its mental hospital at Amritsar.
- (iii) The construction of Dalhousie-Khajjar road was impeded as there was one mile of Punjab territory on that road. Himachal Pradesh wanted to build it itself if Punjab could permit it (H.P.) to do so and furnish necessary records for the acquisition of land. Punjab, thereupon, agreed to the suggestion.
- (iv) The Council approved of a proposal for opening handicrafts emporia in the member-States on a reciprocal basis.
- (v) The Tourist Departments of the States in the Northern Zone are also maintaining liaison by sending tourist officers on familiarisation tours to places of tourist interest in the region, and feeding regularly the tourist office in one State by upto-date information from other States.
- (vi) Rajasthan's request to Punjab for supply of a certain quantity of water from Bhakra during the dry months of April and May has been accepted 'on humanitarian grounds'.

This is not all. The forum of the Council has also been utilised to straighten out administrative problems of mutual interest to the member-States. Till recently, the awards given by tribunals, labour courts, etc., outside the State of Jammu-Kashmir were not binding on the Government of that State. At best, such awards could be referred to its Department of Labour for suitable action under the local laws. To overcome these difficulties created by such an anomalous situation, the Government of that State agreed to suitably amend its laws. Similarly, the States of the Zone have been encountering difficulties in curbing smuggling in absence of a power to order the remand of suspects to police custody, the reason being that the offences under the Sea Customs Act are bailable and non-cognizable. Therefore, Punjab and Rajasthan made a joint request to the Central Government for incorporating necessary amendments in the Sea Customs Act and Import and Export Control Act. Finally, Jammu-Kashmir's non-implementation of a recommendation made by the centrally convened Finance Ministers'

Conference, held in 1957, for uniform levy of sales tax at 7 per cent on certain special goods, created difficulties by inducing people from other States to make purchases of such goods in that State, thus, avoiding the tax. On the Council's request to set right this anomaly, that State promised to examine the matter afresh.

A somewhat unique feature of the Northern Zonal Council's functioning is its pre-occupations with some matters which are of a purely commercial nature. Lead in this direction has been given by the Government of Jammu-Kashmir which has been making offers of sale of certain items and soliciting various concessions of a commercial nature and other favourable terms. It has, for instance, demanded the imposition of a ban on imports of deciduous fruits in India and has insisted on suitable arrangements being made for export of soft and perishable deciduous fruits from Kashmir to Amritsar and Delhi on concessional air freight rates. It has, further, urged that Jammu-Kashmir Tourist Department should be provided sites in other States, free of charge, for setting up advertising hoardings. It has also made an offer of sale of door and window frames made in its state-owned mill. Encouraged, perhaps, by the trader's role of Jammu-Kashmir, Himachal Pradesh, too, made an offer to sell mirror carp, a type of fish, to the member-States. Matters of such a nature do not at present occupy a major or even any significant part of the Council's attention.

An important feature of the functioning of this Council is its continuing emphasis on informal methods of tackling the emerging problems. This is well borne out by the convention of arriving at decisions without resorting to voting despite its provision in the Act. This informality has been, in practice, fostered, if not actually bred, by the political homogeneity resulting from the rule of the same political party both at the Centre and in the States.<sup>38</sup> This, however, is not to say that the Zonal Council meeting is virtually the Zonal Congress Committee meeting discussing the affairs of the Zone. Nevertheless, the existence of the same party government in all the States as well as at the Centre has materially affected the operational behaviour of the Council,

<sup>38</sup> In the State of Jammu-Kashmir, the ruling party is the National Conference which, however, maintains the most fraternal ties with the Congress.

introducing an appreciable element of informality and also inducing a spirit of reciprocity in dealing with a wide range of subjects. This explains why several issues which formally figure on the agenda of the meeting are not pursued in the Council. Rather, the Council prefers to leave these to the parties concerned for mutual settlement outside its own forum. The more important issues that have been thus referred back on different occasions are the following:

1. Inter-State irrigation and water problems—supply of water to Kashmir from the river Ravi: a matter affecting Jammu-Kashmir and Punjab.
2. Inter-State transport problems in Jammu-Kashmir on account of payment of passengers' and goods' tax by State Government transport vehicles: a matter affecting Jammu-Kashmir and Punjab.
3. Supply of power to Jammu-Kashmir from Punjab: a matter affecting Jammu-Kashmir and Punjab.
4. Consideration, by Punjab, of claims of Himachal Pradesh in the management of the Simla catchment area: a matter affecting Himachal Pradesh and Punjab.
5. Punjab's demand for issue of temporary public carrier permits on Pathankot-Manali route during fruit and potato season: a matter affecting Punjab and Himachal Pradesh.
6. Development of fisheries in Govindsagar Reservoir in Bilaspur District (Himachal Pradesh): a matter affecting Himachal Pradesh and Punjab.
7. Supply of power by Punjab to Jammu: a matter affecting Jammu-Kashmir and Punjab.

Some of the issues, thus referred back, do, in fact, get solved to the mutual satisfaction of the parties concerned, the success flowing, in no small measure, from the same political party being in power in the States and at the Centre. Thus, Himachal Pradesh pressed that it should have a say in the management of the catchment area of Simla which is in the territory of Himachal Pradesh but, all the same, has been leased out to Punjab. The matter was settled by mutual discussion outside the precincts of the Zonal Council. Not all such attempts, however, prove equally rewarding. Deadlock is inevitable in the event of the States feeling strongly over an issue and refusing, thus, to compromise and yield. The question of development of fisheries in the Govindsagar

reservoir<sup>39</sup> in Bilaspur (Himachal Pradesh) is an instance in point. The Council referred the matter back to the parties concerned, *i.e.*, Himachal Pradesh, and Punjab, for mutual settlement which, however, could not be reached. The question was, therefore, again raised in the Council which, this time, decided to make the Chairman an arbiter in the matter.

This episode serves to focus attention on two significant points. First, the Zonal Council has its inherent weakness in its inability to use any sanction to compel settlement of disputes between its members, it being, at best, an advisory body. Secondly, resort to arbitration is the result of extra-mural factor, *viz.*, the same party being in power at federal as well as state levels. Agreement in such cases is, thus, largely the result of the inter-play of political factors and not brought about by invoking any constitutional provision. It is apparent that the Council feels itself powerless in the face of the States' persistent refusal to reach negotiated settlements of their disputes. Thus, the Council has not succeeded in solving the inter-State transport problems. The question of sharing of road routes between Himachal Pradesh and Punjab has been repeatedly brought on the agenda of the meetings without any success. Consequently, the Council has no option but to refer the dispute to the Inter-State Transport Commission for decision. Its inherent weakness in the face of a State's continuing obduracy is illustrated by the levy of a duty by Punjab on the supply of electricity to neighbouring States. This step led to demands for its withdrawal, for this duty had an adverse effect on the States receiving supplies from Punjab. It precipitated a prolonged controversy without, of course, achieving any satisfactory solution till now. Punjab contended that the duty was an expanding source of revenue which it could ill-afford to dispense with; and that the manufacturers in Punjab, whose costs of production were raised by the duty, obviously found it more difficult to compete in the market with their opposite numbers in Delhi, who were not paying this duty, and, besides, enjoyed various facilities in the capital. Even the central Ministry of Irrigation and Power felt that Punjab would gain only at the expense of Delhi and, further, such levies by the States on bulk supplies would inhibit integrated development of power on regional basis. The Solicitor-General of India

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<sup>39</sup> Himachal Pradesh claims fishing and navigation rights in this reservoir. Punjab, however, does not agree.

had given his legal opinion, but Punjab preferred sticking to its original stand arguing that its own Advocate-General was of the opinion that its case was not a weak one and the law was on its side. This matter has thus far defied any solution.

Other unsolved matters have been those arising between Punjab and Himachal Pradesh, the latter being the complainant in all the cases. Reference has already been made to the inter-State transport problem. Mention may now be made of a few others. Himachal Pradesh's repeated requests to Punjab for supply of the promised power have not been acceded to by Punjab.<sup>40</sup> The question of water-supply to the town of Solon (H.P.) has not been solved to date. Himachal Pradesh claims to enjoy customary rights to use water of the Chiang Spring (in Punjab) for necessary supply to Solon. Punjab, however, does not accept this position, and asserts that it itself requires water for irrigation purposes. Similarly, the question of rates to be charged for the transport of timber on aerial ropeways at Bhakra and establishment of a timber depot at Nangal has been hanging fire since January 1959.<sup>41</sup> Finally, Himachal Pradesh's requests for the transfer to it of road links forming part of trunk roads in Himachal Pradesh from Punjab, and for construction by it of a road through catchment area of Simla for water-supply have met with similar failure.

There are, therefore, indications of the Council being gradually turned into a forum for ventilation of grievances on the part of the representatives of the member-States. As a consequence, the Council has not been able to make any significant headway in evolving coordinated and well-integrated courses of action over a larger field. That its record of work has not been, on the whole, very impressive despite the

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<sup>40</sup> This matter has now been referred to the Northern Zonal Power Development Committee to find out if some additional power could be provided to Himachal Pradesh.

<sup>41</sup> The dispute, in brief, is this: Before the construction of the Bhakra Dam, timber from Himachal Pradesh was transported to Nangal (Punjab) and the river Sutlej, and the cost of transportation used to be sixteen naye paise per cubic foot. Since the construction of the Dam, timber is being brought to depot at Nangal by aerial ropeways, at a cost of twenty-five naye paise per cubic foot, which was agreed to by both Punjab and Himachal Pradesh. The rate was, however, later unilaterally raised to thirty-one naye paise. Hence the dispute. Himachal Pradesh insisted that the rates should not be raised from twenty-five naye paise.

The other problem is that a site for the depot at Nangal was acquired by Punjab for Rs. 44,848. But Punjab demands an annual rent of Rs. 26,201 from Himachal Pradesh. Himachal Pradesh regarded this rent as exorbitant and feared that this would affect the price of timber. It wanted to purchase the site from Punjab by paying the acquisition charges.

dominance of the same political party is evidence that the Northern Zonal Council has not been sufficiently effective in making its impact on the member-States. The member-States have not been able to rise above their localised thinking and bring statesmanship to bear upon the problems of the Zone. There have not been many indications of the States' anxiety to identify themselves with the Zone as a whole. Further, as the dominance of the same political party may not continue indefinitely, there is a likelihood of the area of agreement and cooperation among the member-States being markedly reduced in course of time. This certainly does not hold out promising prospects for the Northern Zonal Council. Unlike its southern counterpart and, less markedly, even its central compeer, it could not even once advocate the cause of the Zone as a whole, and press for its acceptance by the Centre. It has yet to travel a long way to acquire the homogeneous outlook of the Southern Zonal Council reflected in its recommending to the Planning Commission and the National Development Council that the Southern Zone should get equitable distribution of industries in the Third Five Year Plan. On the contrary, it has a backlog of problems and disputes still to solve. It has not found any acceptable solution to inter-State transport problem that has been harrying it since its inception. Himachal Pradesh feels somewhat sore at the way it is being treated by Punjab both in regard to the supply of power and water and in relation to the problem of inter-State transport. Besides, the Bhakra Project has brought in its wake disputes among the States with regard to the distribution of the newly created power and irrigation resources. In other words, the pool of goodwill and mutual understanding has been found to be inadequate to cope with the emerging problems in the Zone. Many of the states of this Zone are border States. In this broader context, the Council needs to be seized of the urgency of developing a widespread system of rail and road transport, and schemes of regional development.

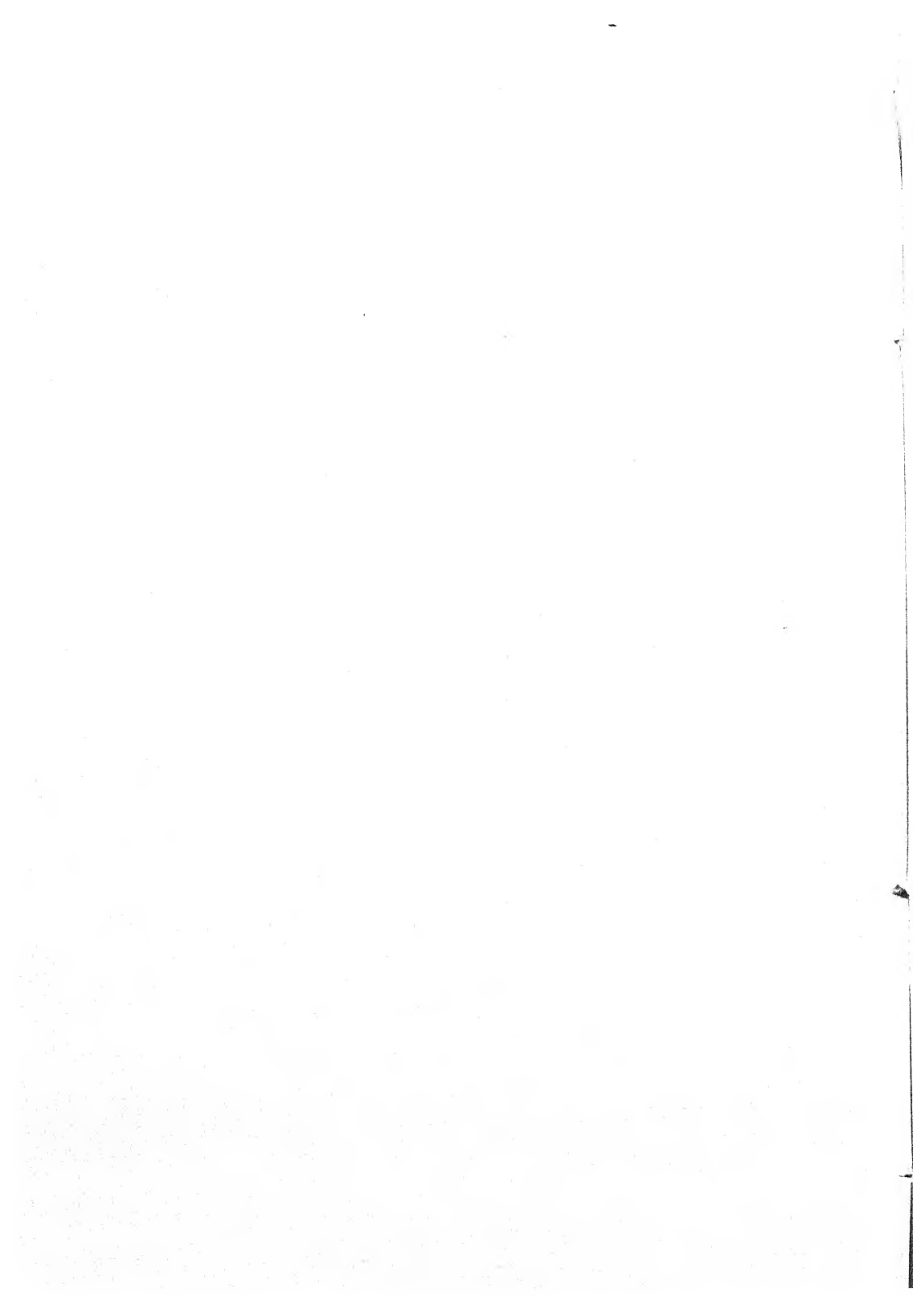
The way in which the Northern Zonal Council has been functioning during the last seven years effectively disposes of the various criticisms levelled against Zonal Councils as a whole. It disproves the widely shared fear that the Zonal Councils are merely a handmaid of the Central Government, and have been brought into being solely to do the latter's biddings. The Centre has no compelling authority to secure the states' acquiescence in its wishes and directives. The Council has not,



in any significant way, disturbed the traditional bases of policy-formation and decision-making, though, no doubt, it has imparted a new dimension to the latter. Nor does it interfere with the nature and volume of control customarily exercised by a State over its own institutions. At any rate, such an attempt is bound to meet opposition also. Thus, an attempt to convert the Malikpur Irrigation Research Institute into a Zonal Irrigation Research Laboratory was resisted by Punjab which owns it, and consequently the move fell through. The Northern Zonal Council—and, for that matter, any other Council—does not constitute the nucleus of a super-State. It is also equally true that this Zonal Council does not support the possibility of these Councils growing into powerful bodies which could weaken the Centre. In the first place, a will to act and stand united has not so far found any sufficiently articulate expression in its actions. Secondly, the Council is what may be called the Central Government's appendage and its functioning is regulated by the Chairman. On top of this, it bears a purely advisory character and, be it remembered, an advisory body has to remain content with quite modest ambitions. Similarly, it is farfetched to imagine that the system of Zonal Councils constitutes the proverbial fifth wheel in the coach, impeding speed and efficiency in administration. In the first place, it does not directly affect the main currents of a state's activities. Only a limited number of issues falling within the terms of reference of the Council qualify for inclusion in the agenda of the meetings. Further, the States are not even expected first to obtain clearance from the Council before adopting any course of action. It does not even constitute one other level in the traditional governmental hierarchy. Rather, being a summit conference of the chief executives of the member-States, it is a forum for promoting cooperative thinking, regional planning and for solving inter-State problems. The only fear seems to be that the Council may touch a low water mark when the present pattern of a single ruling party all over the country undergoes a change. The area of agreement is likely to shrivel further in that event. In this context, it is significant that the Communist Government in Kerala<sup>42</sup> completely dissociated itself from the scheme of Common Police Reserve Force implemented in the Southern Zone. Even, at its best, the Zonal Council is but a modest institution from which it may be too much to expect more than mild results.

<sup>42</sup> Kerala, however, joined later when the communists went out of power.

*PART THREE*  
**EVALUATION**



## 13

### In Retrospect

THE scope of the present study has been delimited by our definition of advisory committees, *viz.*, committees attached to and advising the machinery of the Central Government and consisting, either exclusively or partially, of persons not on the payroll of the central government. It is with a set purpose that this definition has been adopted, preferring the words 'persons not on the payroll of the Central Government' to 'non-official elements or persons'. In effect, the two sets of expressions cover, to a very large extent, an almost identical field, as most of the advisory committees include, either wholly or partly, the non-official element. The use of the word 'non-official', however, would imply exclusion of the Zonal Councils, and some other committees (*e.g.*, Transport Development Council, Education Ministers' Conference, etc.) which do not include any non-official, but consist, instead, of representatives of the States. And, it

needs be stressed, the advisory committees have an important function to perform in a federal polity, they being a much-commended institutional device for promoting the acceptance of broadly uniform administrative patterns in the States' sphere of functions. By keeping out such committees sharing their membership between the two levels of the government, and principally engaged in softening the rigidities inherent in a federal constitution, the scope of advisory committees would not be elastic enough to cover their truly multi-dimensional role, and, in consequence, may have to be kept unduly cabined and confined within narrow limits. Further, this study concerns itself with those advisory committees which are of a standing rather than of an *ad hoc* character, and, thus, take no account of the committees—'special-purpose committees', as Leiserson<sup>1</sup> calls them—which are wound up after they have submitted their reports.

The five hundred and odd advisory committees currently advising the machinery of public administration at the central level have been classified in this study into the following six types:

1. Consultative Committees;
2. Expert Committees;
3. Advisory Committees for Independent Administration;
4. Informal Consultative Committees of Parliament;
5. Territorial Committees; and
6. Zonal Councils.

Notwithstanding these six types of advisory committees, the most important, both in point of their numerical strength and in their overall significance, are the consultative committees (or, representative advisory committees) and the expert committees. These account for respectively 71 and 17 per cent of the entire number, and besides, they together represent the standard categories of advisory committees.<sup>2</sup> Of the two types, however, it is the consultative committee which easily takes precedence over the other, both numerically and otherwise. In fact, implicit in the term 'advisory committee' is the suggestion of its identity

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<sup>1</sup> Leiserson; Avery, *Administrative Regulation*, Chicago, the University of Chicago Press, 1942, p. 165.

<sup>2</sup> Arthur W. Macmahon, contributing in the *Encyclopaedia of the Social Sciences*, remarks: "Advisory Boards have been used in many countries chiefly as a means of corrective expression of opinion by groups of population representing particular interests. Latterly they have tended to take on the character of council of technical experts." *Encyclopaedia of the Social Sciences*, Vol. II, p. 609.

with a consultative committee. Justifiably, therefore, the observations made in the following pages will relate more closely to this type of committees, although the expert committees have not been entirely kept out of our purview. As regards the remaining four types, each has been discussed separately, and nothing special relating to them is offered here.

With the attainment of independence and the installation of a popular Government at the centre, the consultative aspects of policy-making assumed a more than ordinary importance, and the need for advisory committees began to be felt as generally happens in democratic governments. In 1947, there were, perhaps, not more than a dozen advisory committees in existence.<sup>3</sup> By the beginning of 1962, their number swelled to well over five hundred. Since then, some more advisory committees have been added to the list. The national emergency, proclaimed in late October 1962, temporarily slowed down the otherwise uninterrupted process of their growth, although to it may be ascribed the credit of launching some new committees like the National Defence Council, the Central Citizens' Council, etc. Advisory committees are a most variegated growth, and they hardly constitute a system in the sense that underlying them is, fundamentally, a pragmatic approach.

A few advisory committees are federal in character having their offshoots at the state level, thus constituting a hierarchy, so to say. In addition to advising the Central Government, these committees exercise general supervision over their counterparts at the state level and coordinate their activities. This is illustrated by the terms of reference of the National Savings Advisory Board which has been set up

(i) to coordinate the activities of the State Advisory Boards; and

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<sup>3</sup> The following were the important advisory committees in existence in 1947 :

- (i) Central Advisory Board of Education
- (ii) Central Advisory Council for Railways
- (iii) Vegetable Oil Products Advisory Committee
- (iv) Central Advisory Committee for Lighthouses
- (v) Health Advisory Board
- (vi) Drugs Advisory Committee
- (vii) Drugs Technical Advisory Board
- (viii) Haj Committee
- (ix) Central Advisory Board on Forest Utilisation
- (x) National Livestock Committee.

- (ii) to assist and advise the Government of India in spreading the National Savings Movement generally and on measures necessary to intensify the Women's Savings Campaign in particular.

Similarly, the consultative machinery evolved by the Railway Administration is a three-tier structure comprising:

- (i) National Railway Users' Consultative Council at the centre;
- (ii) Zonal Railway Users' Consultative Committees at the headquarters of each railway; and
- (iii) Railway Users' Consultative Committees at the regional or divisional levels.

This chain of committees has, however, a uniqueness all its own inasmuch as each level virtually acts as a filter allowing only those issues to be dealt with by a committee which are not within the competence of others.

There are, if any, few formal links between them nor are they knit together by any sort of a nexus between one committee and another. They are, in the words of Arthur W. Macmahon, 'legionary, fugitive, inherently particular'. Their advisory role makes any assessment of their influence and impact on policy-formation and/or implementation indeterminate, and even nebulous. For, it can perhaps never be asserted in the case of any public policy that it *directly flowed* from an advisory committee. The work of these committees may, however, be understood properly in the perspective of the powers and position of the ministry to which they are attached. As a general rule, their influence in the sphere of subjects falling within the States' jurisdiction is different from that discernible in the area of the centre's direct concern. Thus, the Ministries of Health, of Education, of Community Development, Panchayati Raj and Cooperation, of Food and Agriculture, etc., deal with subjects which, under the Constitution, are the direct responsibilities of the States.<sup>4</sup> These ministries are themselves 'advisers', and, in consequence, function as planning, coordinating, pattern-setting, and influencing agencies. Therefore, the advisory committees attached to them are, essentially, advisers to these 'advisers'. Inevitably, their role is of a restricted nature in comparison to those committees attached to ministries which deal with subjects within the Centre's sphere of direct responsibility,

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<sup>4</sup> In relation to the centrally-administered territories, these ministries, however, function as line agencies.

or enumerated in the Concurrent List, such, for example, as commerce, industry, railways, communications, etc. As these committees advise the actual policy-maker, they are expected to carry greater weight and influence.

Similarly, it is not true to believe that the statutory advisory committee is necessarily powerful in practice. Behind this belief is the argument that such a committee enjoys a larger measure of stability and independence than those brought into being by an executive *fiat* and which, consequently, may be abolished at will. That the statutory status offers no real guarantee of its effectiveness as an advisory committee is brought out by the functioning of the Central Advisory Council of Industries. Set up under the Industries (Development and Regulation) Act, 1951, the Council has not been able to grow into a powerful body. It generally meets twice a year, each meeting lasting for a day. Further, although it has constituted a standing committee which, too, holds two meetings in a year, and a few sub-committees, its impact on public administration has been anything but deep or widespread. In this context, it is well to refer to an editorial in *The Statesman*,<sup>5</sup> which made the following comments about this committee:

“The Central Advisory Council of Industries is the chief among such advisory bodies and its brief one-day session is a reminder of the purely nominal role now assigned to it. Since the time available is too short for any detailed discussion of a host of issues that can conceivably be put on the agenda, a general debate, in which oft-quoted platitudes about the two sectors are uttered by the apologists on either side, is seemingly all that is possible at these meetings. It does not appear that either the Government or the members, who should have interest in making themselves felt through this statutory organisation, take their business seriously. At a time when a wide range of current problems relating to industry and trade would deserve full discussion—production trends, future planning, finance and foreign aid, new legislation on companies and on labour and working of State enterprises, to mention only a few—this default makes an advisory committee appear almost pointless.”

Thus, a statutory advisory committee does not necessarily hold a key to its effectiveness. On the contrary, an apprehension is there that

<sup>5</sup> *The Statesman*, July 11, 1959.



such a committee may, before long, lose touch with the realities of the situation, and consequently, linger on more or less as an unnecessary body. This apart, it is not even unusual for the government to strip a statutory committee of some of its powers by an amendment of the Act. Thus, the powers of the Central Advisory Council of Industries were curtailed in 1953 by suitably amending the Act, and, as a consequence, the Government found it possible to shed its statutory obligation to consult this body before assuming control over an industrial undertaking.

Mention has already been made of advisory committees advising on subjects which, under our Constitution, are within the State's sphere of responsibility. A question may, therefore, arise as to why these advisory committees need be at all set up in spheres in which the Central Government does not have any direct responsibility. One of the functions of the central government in a federal polity is to provide professional leadership. No administrative service, however competently staffed, can hope to do so without the assistance of official and non-official functionaries in the states. Advisory committees also serve as a means of bringing together the necessary experience and talent available in the country, and the resultant pooling of knowledge and experience helps the states to solve their problems better. Besides, these committees serve the other useful purpose of introducing the representatives of one state to their opposite numbers of other states, and thereby help in furthering a cause as well as stimulating generally the emulative spirit in the 'autonomous' states. The standard-setting role of an advisory committee in matters within the States' sphere of functions is of special significance and gives it the look of a contrivance to smooth over the rigidities inherent in federalism. In fact, advisory committees are progressively becoming a part of the administrative process for securing the States' acceptance of central policies relating to subjects in the State List. Thus, the Report of the Committee on Transport Policy and Coordination (the Neogi Committee, after the name of its chairman, K. C. Neogi) was first placed before the Central Road and Inland Waterways Committee. The Report, along with the comments of this committee, came up for discussion in the Transport Development Council which is the highest advisory body on matters pertaining to transport. The acceptance of the Report by these committees, particularly by the latter, paves the way for its eventual implementation by

the States which, it may be pointed out, find representation on both these committees. The Central Advisory Board of Health is also helping in a similar process. John B. Grant has referred to this Board as providing "the nucleus from which will evolve the federal administration that will eventually prove essential".<sup>6</sup> It is, thus, evident that an advisory committee is a useful instrument in 'selling', so to say, a centrally-approved policy all over the States. There is, however, an accompanying danger that by setting up advisory committees on subjects falling in the State List, the Central Government gets involved too directly and in too much detail in subjects which must remain the direct responsibility of the States.

Advisory committees help promote coordination both at the stage of policy-formation and that of implementation of a policy. In an advisory committee the representatives of the interest-groups sit along with the spokesmen of ministries concerned with matters within its purview. The deliberations of the committee help the ministries find their way to adjustment and coordination of their individual operations. The representatives of the different ministries meet each other in the meetings of a committee, and get an opportunity to decide to so phase their individual operations as to implement successfully the committee's recommendation, if it has won the approval of the Government.

There is yet another way in which coordination is promoted through an advisory committee. To understand this, one has to travel back, and refer to an earlier part of the present discussion. Many committees, as has already been stated, deal with subjects which, under the Constitution, are the states' direct responsibility. As a rule, the representatives of the States are always associated with the work of such committees, and, thus, these committees promote uniform patterns of thinking and coordinate the States' activities in matters which are their (the states') responsibility. Thus, the Tourist Development Council, on which are represented the central and state governments, coordinates the activities of the centre and the States, and to cite an instance, it has secured the acceptance of all the States on the issue of all-India liquor permits.

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<sup>6</sup> Grant, John B., *Health of India* (Oxford Pamphlets of Indian Affairs), London, Oxford University Press, 1943, p. 14.

There are also some advisory committees which exist principally to bring about coordination between the different ministries of the Central Government, and their advisory function is incidental to it. The Shipping Coordination Committee, as the name itself implies, has been set up "generally to coordinate and advise on all policy matters relating to shipping including the development of Indian shipping".<sup>7</sup> The Resolution prefaces its formation with an elaborate explanation : "The various ministries of the Government of India have during recent years been importing cargoes on government account on a very large scale. The bulk of these imports is carried in foreign ships and therefore the bulk of the freight payments involved go to foreign shipowners. It has been felt that with better liaison between the various ministries of the Government of India and other government organisation on the one hand and the Indian shipping interests on the other, more intensive use could be made of Indian shipping for handling these imports . . . . It has, therefore, been decided that a committee called 'the Shipping Coordination Committee' should be set up with immediate effect . . . ."

Advisory committees have no formal organic links with one another, being 'inherently particular', as Macmahon would put it. Nevertheless, some working relationships between them do generally get evolved in the course of their functioning, and, which may, to an extent, help coordinate the activities of related committees and prevent duplication of their efforts and any conflict of their functions. This coordination is brought about in the following ways:

- (a) The secretariat of an advisory committee is potentially the most effective coordinator of the work and activities of this committee *vis-a-vis* other committees. It should get into touch with other advisory committees dealing with a subject with which the former may be concerned and, thus, in a way, it may seek to establish a *liaison* with other committees.
- (b) Some members sit on more than one committee, this being largely incidental and not the result of any deliberate policy. These members, too, may help improvise coordination

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<sup>7</sup> Resolution No. 33-MS(207)57, dated 16 January 1958, Ministry of Transport and Communications.

between the activities of committees of which they have been members.

- (c) The 'recognised' interest-groups, associations, etc., also play a part, none too insignificant, in bringing about coordination between different committees. This is because through the membership of different committees runs a thread of overriding self-interest and a common point of view, which canalises their activities in a desired direction.
- (d) One advantage derived from a formal institution like an advisory committee is the eminent quotability of its recommendations. The recommendations of a committee, when cited in other committees, generally influence in setting a pattern of thinking to which the Government as well as others are expected to conform. Thus, an advisory committee dealing with, say, the problem of temperance naturally quotes—and, what is more, accepts—the recommendation of the Central Council of Prohibition on this issue. Similarly, it is usual for an advisory committee, which happens to deal with a matter concerning the tribal population, to look to the Central Advisory Board for Tribal Welfare for necessary guidance. The recommendations of the National Council for Women's Education may be cited in another committee discussing female education. The 'clientele' committees and those constituted on functional basis inevitably criss-cross one another, and, in such a situation, frequent references to each other's work are inevitable. Thus, a committee chooses, wisely, to direct its labours on a subject which constitutes its principal charge indicated by the label it bears. When, however, it has to deal with a matter not covered under its label, it farms it out to some other committee of whose principal concern the matter in question forms part, and itself then accepts the advice so tendered.
- (e) Direct, formal relationship may, in certain cases, be forged between two committees. Thus, direct links have been provided between the Import and the Export Advisory Councils by an administrative arrangement, introduced since 1961, under which both of them now hold combined meetings.

These devices notwithstanding, the advisory committees are entities

independent of one another, each having, so to say, its own centre of gravity.<sup>8</sup>

It is comparatively easy for an advisory committee to be constituted, but difficult enough to abolish it even though it has outlived its usefulness. The Government displays an easy disposition to keep a committee going even if its rationale has largely disappeared. Also, there is an element of public patronage involved in the establishment of advisory committees. The very fact that these bodies have been created and have also been in existence for sometime creates vested interests, and an attempt to abolish any of them is resisted with resentment and subjected to more of cavil than well-informed criticism. A popularly elected government would not confront such a situation, and, therefore, often exhibits a proneness to yield to this clamour for its continued existence. The Advisory Board on Social Welfare, set up in 1950, had forfeited its claim for separate existence in 1953, when the Central Social Welfare Board was created out of it. Contrary to all logic and expectation, the parent body was, however, not wound up, but is still in existence. Such an administrative default becomes all the more galling when an advisory committee offers its advice even on a trivial matter, or a very small part of a subject. Among such committees may be cited the National Board for Audio-Visual Education, the Children's Literature Committee, etc. The former Board deals with an extremely small area of education, and so does the Children's Literature Committee which attends to but one very small matter, namely, the award of prizes in the national annual competition for children's books.

This easy disposition to create and retain advisory committees has resulted in a multiplicity of such bodies, and, what is even worse, setting-up of these committees with competitive jurisdictions. Consequently, it is not unusual to have more than one committee advising on the same subject<sup>9</sup>. On 'vegetable oil', there are three advisory committees in existence—Technical Committee for Vegetable Oil Products, Oil Products Advisory Committee, and Committee of Experts to coordinate the Research for finding a suitable colour for Vanaspati.<sup>10</sup> The Central Committee for Food Standards (Ministry of Health), the National

<sup>8</sup> Also see *Advisory Committees in British Government*, op. cit., p. 12

<sup>9</sup> Vide Chapter III.

<sup>10</sup> This, however, is an *ad hoc* committee.

Nutrition Advisory Committee (Ministry of Food and Agriculture), and the Scientific Food Advisory Panel (Ministry of Food and Agriculture) have similarly overlapping functions. The Vegetable Oil Products Advisory Committee, set up in 1945, advised on all matters relating to the industry until 1958, when a Technical Committee for vegetable oil products was set up to advise, as the name suggests, on matters of technical nature, which arise in connection with the exercise of control by the Central Government over the quality of vegetable oil. As a result, the scope of the older committee has now been limited to matters other than those of a technical nature. On the technical committee are nominated scientists, representatives of the industry, and those of the Central Government, and on the older committee are represented the industry and the Government. Thus, both the committees have these two elements, industry and Government, in common. Further, as many as five committees—the Central Family Planning Board, the Demographic Advisory Committee, the Advisory Committee on Oral Contraceptives, the Central Selection Committee for the award of prizes to family planning clinics and family planning workers, and the Committee for Family Planning Orientation Courses of short duration for all categories of personnel under the Central and State Governments—are apparently engaged in performing a set of functions, which may profitably become the charge of a single committee, assisted, if necessary, by its sub-committees. Similarly, there is a measure of overlapping of functions and activities of the advisory committees attached to the Ministry of Education. The All-India Council of Sports and the National Board of Physical Education have overlapping functions, which led the Estimates Committee to remark: “As physical education and sports are very closely associated subjects, the Committee suggest that the feasibility of having only one body with wider function might be examined by the Ministry.”<sup>11</sup> Further, the Central Advisory Board of Education still continues to have the old constitution given to it when it was the only advisory committee in the Ministry of Education, and it may, therefore, discuss any educational problem in India. What is the precise dividing line between its role in secondary education and the role of the All India Council of Secondary Education? In the same way, what is its say in elementary education as distinct from the role of the All India Council of Elementary Education? In this connection

<sup>11</sup> *Fourteenth Report of the Estimates Committee*, Second Lok Sabha, para 68.

the Estimates Committee observes: "Explaining the relationship envisaged between the Central Advisory Board of Education and the All India Council for Elementary Education, the representative (of the ministry) stated that the Central Advisory Board of Education was an advisory body representative of State Education Ministries. Directors of Education and prominent educationists, which advised Government in all phases of education except technical for which there was an All India Council for Technical Education. The Council of Elementary Education would deal with primary and basic education. The report of the Council would be laid before the Central Advisory Board of Education."<sup>12</sup> Such an argument can be extended to other advisory committees too. There is a considerable overlapping and conflict between the Central Advisory Board of Education with its standing committee on Basic Education, and the All India Council for Elementary Education. When these committees were created, their relationship to the Central Advisory Board of Education should have been clearly defined. But, this has not been done. All this serves to impart a pointedness to the warning sounded by Winston Churchill that "... the utmost vigilance must be used to correct the tendency of all such bodies to magnify themselves and their numbers."<sup>13</sup>

It, therefore, appears that there is a *prima facie* case for re-organisation, i.e., rationalisation, of advisory committees, and this reorganisation may be attempted on the following general principles:

- (a) No new advisory committee should be set up unless the matter is discussed and approved by the Cabinet.
- (b) The case of every existing advisory committee should be examined on merits; and any body which is not fully justified may be wound up. If a decision were to be taken that any of the existing committees is not necessary, the best way to close the show would be, not to disband it forthwith, but not to reconstitute it when its present term of office expires. This would not create any disturbance or lead to any adverse criticism.
- (c) A major weakness in the present situation is the presence of many committees having overlapping functions. An attempt should,

<sup>12</sup> *Fourth Report of the Estimates Committee*, Second Lok Sabha, para 90.

<sup>13</sup> Winston Churchill was referring to the Army Bureau of Current Affairs. *The Second World War*, Vol. V.—Closing the Ring, London, Cassell & Co., 1951 (Third Revised Edition), p. 581.

therefore, be made to bring about integration of such committees as deal with allied aspects of a subject.

- (d) Where an advisory committee is considered to be essential, and it is also felt that it cannot be merged with some other committee, it should be allowed to function separately.
- (e) A common policy should be evolved for dealing with advisory committees and should be consistently followed by a ministry in respect of matters on which their advice is to be sought, the frequency of their meetings, the publication of their proceedings, etc.

As a general rule, the impact of an advisory committee on public policy remains indeterminate and nebulous for the simple reason that policies are formulated in the light of a coalition of requirements, although in a limited number of cases it may be possible to identify the influence of an advisory committee in some specific matter. Thus, the credit for opening the Trade Control office in 1960 at Shillong (Assam) with a view to separate licensing of importers for Assam lies with the Import Advisory Council.<sup>14</sup> Nevertheless, a public policy, being a composite product, has its progenitors committed ever to anonymity and are not ordinarily amenable to identification. Furthermore, the advisory role of a committee makes it, at best, an unreliable and uncertain influencing factor in policy-formation. It is also sometimes argued that advisory committees are shorn of any power 'in a real sense',<sup>15</sup> as their members are nominated by the Government. Finally, any complicated administrative arrangement for taking decision on the recommendation of a committee may result in its being robbed, in practice, if not in theory, of much of its effectiveness. Thus, the effectiveness of the Board of Scientific Terminology (Ministry of Education) has largely lost its pointedness, as the terms prepared by it 'actually go as far as the Cabinet before adoption',<sup>16</sup> the Official Language Commission reminds us. At any rate, however, its advisory role makes a committee's impact on public administration indeterminate. Such, in nature, was the reply to a parliamentary interpellation enquiring

<sup>14</sup> Vide reply to Question No. 1348, Lok Sabha Debates, Second Series, Vol. XLI, 22 March 1960, col. 7240.

<sup>15</sup> Tridib Kumar Chaudhari, M.P., criticised the Import and Export Advisory Councils on the ground that they, being nominated bodies, do not wield real power. Lok Sabha Debates, second series, Vol. XXXIX, 24 February 1960, col. 2555.

<sup>16</sup> *Report of the Official Language Commission*, Delhi, Manager of Publications, 1956, p. 255.



about the achievements of the National Savings Advisory Board. The Government replied: "The National Savings Advisory Committee (sic.) is only an advisory body and as such its achievements cannot be measured in specific terms. Some of the recommendations of the Committee (sic.) regarding publicity and other matters have been accepted and implemented, and the rest are under consideration."<sup>17</sup> Yet, on another occasion, the Finance Minister praised this Board in no uncertain terms: "I should like to take this opportunity of expressing my appreciation of the assistance rendered in this direction (small savings movement) by non-official agencies—particularly the Advisory Board at the Centre and the States— . . ."<sup>18</sup>

This, then, is the position when an advisory committee is launched with the best of intentions on the part of the Government. The words 'best of intentions on the part of the Government' do call for an explanation, for, it is to be noted, the Government may, in practice, be actuated by motives other than those which More Grant calls 'pure, pristine, uncontaminated'<sup>19</sup> advice in constituting an advisory committee. It is not unusual for an advisory committee to be set up, if only, to lull a section of public opinion agitating for a particular course of action. In such a situation, the Government may seek a way out by announcing an advisory committee, taking care, at the same time, to nominate on it such persons as are most clamant advocate of the cause, for by putting them on the committee the Government hopes to draw their 'teeth'.<sup>20</sup> At any rate, such a committee would meet at infrequent intervals, and, what is more, would not be effective enough. There are many advisory committees, set up with some such motive, but the Central Council of Gosamvardhan<sup>21</sup> is perhaps at the top of them. Among its members are included persons noted for their undoubted devotion to the cow's cause. Its terms of reference are so comprehensively laid down that it is apt to stray from its central purpose, and, besides, its meetings are arranged erratically. Many of its members have been

<sup>17</sup> Answer to Question No. 1229, *Lok Sabha Debates*, Second Series, Vol. VI, 27 August 1957, col. 10171.

<sup>18</sup> *Finance Minister's Speech on 28 February, 1961, while presenting the Budget for 1961-62 in Parliament*, New Delhi, Government of India, 1961, para 64.

<sup>19</sup> Grant, More, "The Technology of Advisory Committees", in *Public Policy* (Ed. Friedrich, Carl J., and Harris, Seymour E.) Cambridge, Massachusetts, Graduate School of Public Administration, 1960, p. 95.

<sup>20</sup> Wheare, K. C. : *Government by Committee*, op. cit., p. 65.

<sup>21</sup> Vide Chapter Five 'Structure,' sub-heading 'Terms of Reference'.

sharply critical of the Government for such an indifferent attitude, and its chairman,<sup>22</sup> a noted Gandhian, resigned, it is understood, in sheer disgust. Govinddass, a member, and one of the most vocal persons agitating for imposition of a ban on the slaughter of cows in particular, complained in the Lok Sabha that the Council was being treated as a cinderella, and that it was emasculated for want of any work, and, finally, that its meetings were repeatedly postponed.<sup>23</sup> The fact of the matter, therefore, is that at the back of the formation of advisory committees may be 'a score of reasons', as More Grant graphically puts it, such "e.g., (as) to send up trial balloons, to assure 'reasonableness' in already pre-determined policies, to give a forum to diverse groups, to find areas of 'pliability' between various interest-groups, to educate, to persuade, to ratify conclusions, to avoid having to surrender policy-making positions, to coordinate, to 'hobble' or coopt experts who might otherwise be critical, to assure a 'public' interest in agency operations, to diffuse responsibility, etc."<sup>24</sup> The impact of advisory committees on public policy is bound to be only feeble if its formation is actuated by any such ulterior motive. To sum up, the influence of a committee on policy-formation remains generally indeterminate. At any rate, however, the committee is sure to remain in the doldrums if the ministry does not show the least awareness of its need.

The foregoing discussion should form an appropriate preface to an analysis of the role of advisory committees in general. This role may be examined from at least three well-defined standpoints, namely, first, the standpoint of the bureaucrat, second, that of the interest-group, and third, from the point of view of its overall impact on the prevailing political system as a whole. The bureaucrat must needs have 'outside' advice while engaged in the framing of public policies; and particularly in matters, developmental and promotional, which inevitably affect large sections of the community, he would seek to incorporate the felt needs of the people formally articulated in an institution like an advisory committee. Policy-formation may, consequently, be based upon wider knowledge and information and quite appropriately, the committees "fulfil the general purpose of keeping official practice in close touch with public

<sup>22</sup> U. N. Dhebar.

<sup>23</sup> *Lok Sabha Debates*, Second Series, Vol. XL, 18 March 1960, col. 6787-88.

<sup>24</sup> Grant, More, *op. cit.*, p. 93f.

opinion and preventing the evolution of a departmental world which is out of relation to the facts of real life. They help the official to understand the feelings (not excluding the prejudices) of the public, and the public to appreciate the restrictions (not all of them self-imposed) to which the official is subject. They are a necessary, and an effective lubricant.”<sup>25</sup> In addition to fostering a better understanding of each other’s point of view, an advisory committee is a handy device for blunting the edge of popular resistance, actual or potential, to a pre-determined official policy. At any rate, to the bureaucrat, an advisory committee provides a foretaste of the feelings and reactions of the people towards an administrative policy, and, thus, he is forewarned of the possible popular criticisms.

Looked at from the point of view of the interest-groups, an advisory committee provides a regular forum for transmitting to the Government the views and opinions of those, affected, or likely to be affected, by the governmental decisions. These groups have, therefore, a satisfaction of being consulted, and of having influenced, if not actually shaped, public policies. According to D.C. Corbett, the policy-making role of the official implies that “the official must accept as legitimate attempts by the public, and particularly by interested parties, to influence him”<sup>26</sup>. He, further adds: “He does not, of course, need to do their bidding, but he has to accept their right of petition. Advisory Committees are often a convenient way of institutionalising this.”

The role of an advisory committee is also to be viewed in respect of its impact on the machinery of government and on the political system in general. Although such a committee bears an advisory role, it, on this account, is not a body altogether devoid of influence on the political and the governmental system. Its formally contrived advisory role may, consequently, reveal but an incomplete picture of the actual part it plays in public administration. Apropos of its status, its recommendations cannot always be treated in a cavalier way, for, in case of non-acceptance of these, the Government may have to justify its action before the public in general and the legislature in particular. Besides, a consistent rejection of its recommendations is apt to frustrate the

<sup>25</sup> Vernon, R. V. and Mansergh, N., *op. cit.*, pp. 436-37.

<sup>26</sup> D. C. Corbett made this observation while commenting on Sir William Dunk’s paper entitled ‘Public Servant and Policy Formulation’. Vide *Journal of the Australian Regional Groups* of the Royal Institute of Public Administration, Sydney, Australia, Vol. XX, No. 2, June 1961, p. 105.

members of the committee, and to freeze, so to say, their interest in its functioning. "The experience of consultative bodies in India", writes, R. C. Dutt, a civil servant, "has, on the whole, been satisfactory. They have certainly helped to keep the administration attached to public opinion. On the basis of this experience, recourse is being had, in an increasing measure, to such consultative machinery."<sup>27</sup>

Further, advisory committees have also added a new dimension to the polity in general. As modern democracies deny or restrict functional representation, the emergence, in this context, of advisory committees which, as a general rule, provide for representation on a functional basis, should be interpreted as essentially a broadening of the national political system. Besides, the doctrine of the consent of the governed, put to test only at the time of election usually held at intervals of three, four or even five years, with the advent of advisory committees, a new interpretation and an enlarged meaning by being invoked continuously over an immensely wide variety of matters. To put somewhat concretely, advisory committees have deepened and enriched the political system as a whole. In the first place, they provide an institutionalised link between the Government and the community, and, in this sense, have potentiality to narrow down the traditional gulf between 'we' and 'they'. Secondly, they instil in the people a sense of participation in policy formation, and to this extent, make the governmental system organically related to the community. Thirdly, in a federation, advisory committees have an added significance in that they are an additional but important instrument for promoting uniform institutional and procedural patterns even in the states' sphere of functions, and, further for bringing about inter-state coordination and cooperation.

All the same, public administration is not absolutely immune from the hazards inherent in, or incidental to, the rise and growth of advisory committees. Thus, there is every likelihood of the interests of the relatively unorganised sections of the community not being adequately reflected in policy-making, which may, as a result, get unduly tilted in favour of the more organised groups. Secondly, the resultant increased

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<sup>27</sup> Dutt, R. C. "Hearing and Consultation Procedure in Public Administration in India", in *The Indian Journal of Public Administration*, Vol. IV, No. 3, July-September 1958, p. 292.

contacts between the civil servants and the interest-groups are not entirely without perils, for these may lead to a gradual erosion, even if unobtrusive, of their (civil servants') sense of responsibility, authority and independence. Thirdly, the system of advisory committees may, in the officials' eyes, somewhat diminish the authority and power of Parliament by making the bureaucrats increasingly seek part of their enlightenment from them. Each of these points calls for some explanation.

The presence of the representatives of organised interests in advisory committees has generally been an aid to the latter's effectiveness and utility. Besides, the Government, too, on its part, seems to have an inclination to keep, particularly, the politically powerful and more organised interests in good humour, for a Government, irrespective of its political complexion, strives to retain their goodwill. To say this is only to bring to the fore the disabilities of the unorganised sections of the society for not being enough vocal to ventilate their even legitimate demands. The question of this class of population is thus analysed by John R. Commons:

"Ideally, it would be desirable to have the unorganised represented. But in order to have real representation, with representatives whose word will carry weight, it is necessary that the representatives be backed up by an organised group. In practice, a representative must represent somebody. If he is merely a sort of statistical sample of his class, he will find himself in the weak position of having to pit his personal opinion against the demands of an organised opposition. A real representative must also have a constituency to which he has to report. Otherwise he lacks the incentive to persistence in the face of opposition, and is likely not to have the sense of responsibility which comes from being required at frequent intervals to render an account of stewardship."<sup>28</sup>

Nevertheless, the legitimate interests of the unorganised sections of the society must not be allowed to be drowned amidst the continued clatter of the more clamant groups. This warning is necessary, as their interests are often overlooked, or, at any rate, not given the importance they deserve. Thus, on the Direct Taxes Advisory Committee, the small assesseees were not represented adequately, though, it is common knowledge, they are none the less concerned with the work of this committee. It is, consequently, incumbent upon the officials, described, suggestively,

<sup>28</sup> Commons, John R., *Representative Advisory Committees in Labour Law Administration*, New York, American Association for Labour Legislation, 1930, p. 4.

as 'social scientists in action', to protect and promote the genuine interests of the unorganised sections of the society as well. As Robson observes: "The Civil Service comes into frequent contact with the groups which exist; it feels their influence and hears their highly articulate demands. But what about the interests which are not organised and not articulate? Where there is no pressure from an organised group, civil servants may too easily assume that all is well and nothing need be done. It is a poor conception of democratic administration which considers that the benefits of government shall go mainly to the most powerful and vociferous groups. Neither civil servants or Ministers would accept such a bald proposition; but something very like it can easily come about in practice unless both civil servants and Ministers possess considerable imagination and have a wide ranging view of society."<sup>29</sup>

Secondly, the emergence, on a large scale, of institutionalised consultations with the public stresses, more than ever before, the need for independence and integrity on the part of the bureaucrat who sits 'cheeks by jowl'<sup>30</sup> with representatives of the interest-groups in committee meetings, and, consequently, drawn more intimately into contact with the interest-groups. He should have the requisite insight and skill to discriminate between the partisan sectional claims, and the genuine, long-range interests of the community, challenge such claims, and assert himself. He should examine the advice tendered by a committee in the light of all the factors and considerations which must be taken into account, in policy-making. Besides, although an advisory committee is not necessarily "the last refuge of administrative incompetence",<sup>31</sup> as Charles Dawes thinks, it certainly could be something less: it may lead to a steady though imperceptible diffusion of both authority and responsibility. No effort on the part of the bureaucrat would be considered too great which would prevent him from being driven to such an unhappy situation. Above all, he should ever keep in mind the caution sounded by Arthur W. Macmahon: "The doctrine (of the consent of the governed, the philosophical base of advisory committees) is not without perils. It daily sharpens the need for administrative authorities

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<sup>29</sup> Robson, William A. (Ed.), *The Civil Service in Britain and France*, London, Hogarth Press, 1956, p. 13.

<sup>30</sup> Finer, S. E.: *Anonymous Empire*, London, The Pall Mall Press, p. 31.

<sup>31</sup> Quoted by Grant, More, *op. cit.*, p. 97.

who are skilful in consultation, vigilant in arranging representation what is reasonably comprehensive, sympathetic and wary, and above all independent. Only by careful use of advisory boards will the danger of compromising administration at its core be avoided.”<sup>32</sup>

Thirdly, the growth of advisory committees, it is feared, has led, informally and, what is more, in an unobtrusive way, to something like undermining of the traditional parliamentary powers. The setting-up of a committee is very much like the traditional end of a fable—‘thereafter the things went on merrily’. And, so it often comes about that, consequent upon the formation of a committee, the Parliament ceases, of its own accord, no doubt, to take any persistently active interest in the sphere earmarked for the functioning of the committee. Truly, the Members of Parliament are not in any way deterred from criticising and reviewing the governmental policy simply on this count. Nevertheless, even when some criticism is offered in Parliament, it is not uncommon or too difficult for a Minister to make it pointless by observing that the matter under question is engaging the attention of an advisory committee and he, thus, uses it to absorb inconvenient criticisms of public policies. Thus, confronted with unfavourable reactions to the Government’s language policy for broadcasts from the All India Radio, the Minister of Information and Broadcasting promptly sought escape by announcing, in 1962, the formation of a committee to give advice and guidance in the matter of Hindi news bulletins broadcast from the All India Radio. Earlier, in 1961, his predecessor, in the face of parliamentary criticism of the functioning of the All India Radio, had suggested the formation of a committee ‘in which participation of cultural and other interests would be of help’.<sup>33</sup> Similarly, the creation of the National Defence Council in November 1962 was the culmination of parliamentary (even, popular) agitation for all-party cooperation in defence mobilisation efforts in the wake of the Chinese aggression on India. Lastly, the Government of the day, fortified by the support of a ‘congeries of minor, informal, and specialised parliaments’<sup>34</sup> as Macmahon picturesquely describes advisory committees, may tend to attach less than customary importance to the views and opinions expressed in the sovereign Parliament by receiving part of its

<sup>32</sup> Macmahon, Arthur W., *op. cit.*, p. 611.

<sup>33</sup> *Rajya Sabha Debates*, Vol. XXXII, No. 9, Second Series, 24 February 1961, col. 1129.

<sup>34</sup> Macmahon, Arthur W., *op. cit.*, p. 609.

inspiration and enlightenment from the former. K. C. Wheare has asked if the rise of advisory committees has not been inimical to the power and authority of Parliament:

“If Whitehall can claim the monopoly of knowledge and the agreement of the interested parties, what can Westminster do? Has not be development of this whole elaborate and remarkably efficient machinery of committees to advise strengthened Whitehall at the expense of Westminster?”<sup>35</sup>

Although there is some substance in this view, such an interpretation of the situation need not unduly alarm us. Advisory committees make available to the Government specialised knowledge of particular subjects, or aspects of subjects; and, further, their composition generally reflects the presence of elements which do not necessarily find representation in territorially constituted Parliament—experts and interest-groups. These committees may, thus, be regarded as instruments for essentially strengthening the base and fount of the democratic life—the sovereign Parliament. It is, of course, imperative for Parliament to be eternally vigilant and subject the work of these committees to review and scrutiny from the common man’s point of view. Parliament, being the repository of all powers, has both a right and an obligation to so exercise its undoubted authority over the advisory committees.

Another hazard incident to the working of an advisory committee deserves appropriate notice here. There is often a tendency on the part of an advisory committee to arrogate to itself executive and supervisory powers which it is the bounden duty of the bureaucrats to resist. The All India Handicrafts Board is a classic instance in point. Apparently, this is an advisory committee which, having strayed from its allotted path, has converted itself into an executive body to all intents and purposes, itself undertaking schemes of development of handicrafts. Should the Government feel it necessary to confer executive functions on an advisory committee, it must be done in a regular way by altering its constitution,<sup>36</sup> certainly not in a surreptitious manner as in the case of the All India Handicrafts Board. The unconventional

<sup>35</sup> Wheare, K. C., *Government by Committee*, op. cit., pp. 66-7 and 246-47.

<sup>36</sup> Thus, the Government has set up, in 1953, an advisory committee, called the All India Khadi and Village Industries Board to advise on the development of Khadi and Village Industries. Four years later (in 1957) it was replaced by the Khadi and Village Industries Commission, a statutory body formed in pursuance of the Khadi and Village Industries Act, 1956. A change was thus effected in a formal way.



and what would strike one as even bizarre features of this Board took the Estimates Committee by surprise, which wrote:

"It is not common for advisory Boards to be invested with executive functions. If they are, the system is open to criticism on the grounds that neither the discipline of a Government Department nor the responsibility and accountability of a statutory or corporate body attached to it. . . . The (Estimates) Committee recommend that the question regarding the status and function of the advisory Board may now be examined by the Government so that they conform to normal and accepted pattern. . . . Thus the organisational set-up of the Board does not conform to normal pattern and stands virtually *sui-generis*."<sup>37</sup>

Some other limitations and weaknesses of advisory committees may also be noted here. Advisory committees are competent to consider that part of the public business which involves principles to be laid down or rules to be determined. They should not seek association with the internal management of programmes and affairs, which is the exclusive prerogative of the executive. Also, they are not suited to those areas of public administration where quick decision and immediate action are considered necessary. In the sphere of law and order, for example, deliberation by an advisory body resulting in delayed action would only precipitate a crisis. During the period of emergency considerable harm may flow from advisory committees, for they may constitute the fifth wheel in the administrative coach impeding speed in administration. As Winston Churchill succinctly put it, a war could not be conducted by 'a copious flow of polite conversation'.<sup>38</sup> Further, advisory bodies are also not suited to determine questions of language or expression. If entrusted with such a task as the drafting of a document, the end-product is bound to be clumsy, vague, even contradictory lacking in felicity and accuracy of expression. This kind of work is best handled and completed by one man. Finally, they may not be fit to advise on what are judicial or quasi-judicial activities,<sup>39</sup> for such

<sup>37</sup> *Hundred and Sixty-First Report of the Estimates Committee*, Second Lok Sabha, paras 6 and 16.

It may incidentally be pointed out that the development of handicrafts industries is the responsibility of the States. It is, therefore, desirable that the Board should remain a policy-making and coordinating body, advising and guiding in addition to supplementing the resources of the States.

<sup>38</sup> Quoted by Wheare, K. C., *Government by Committee*, op. cit., p. 252.

<sup>39</sup> The Advisory Board under the Preventive Detention Act is, however, an exception.

an association would be tantamount to interference with the judiciary. These are among the limitations of these bodies.

The advantages of advisory committees may be secured only by judicious use of them. The emergence of these committees as part of the machinery of public administration has posed a few problems, and it is of the first importance that administrators, who bring them into being and make use of them, should make all efforts to steer clear of the possible dangers. Grave responsibility indeed rests upon them. Arthur Helps has drawn pointed attention to the administrator's responsibility in his work *Thoughts Upon Government*, published in 1872. He observed, "Altogether, there are immense advantages to be derived from Councils, but these advantages will only be derived by those persons who know how to make the proper use of them."<sup>40</sup> It could happen that an advisory committee might be set up when there is hardly any felt need for it; or, an existing body might be continued when the need for it is no longer felt. An advisory committee is sure to become a dormant body for want of sufficient attention on the part of the administrators towards its functioning and constitution. It is a wrong presumption that these bodies 'run themselves'. Further, an advisory body might attempt to trespass into what is strictly the administrator's territory, thus undermining responsibility. Such an encroachment must be strongly resisted. It should strictly confine its role to the tendering of advice; and must not convert itself into an executive body. In addition to these limitations and dangers, an advisory committee suffers from many weaknesses. In general, it is susceptible to all the shortcomings that are attributed to a 'manyheaded institution', besides having its own set of weaknesses emanating from its advisory role. Being a plural body, it partakes of the demerits of the commission form of organisation. E. C. Lindeman<sup>41</sup> detects at least fourteen of its common failings such as 'tendency to indulge in irrelevant discussion', 'members trying to impress superior', 'chairman obtruding opinions', 'tendency to jump to conclusions', etc. To these may be added many other foibles ranging from proneness to soft pedal the issues to recommending impracticable measures—the inevitable concomitants of its advisory role. It would be proper to summarise

<sup>40</sup> Helps, Arthur, *Thoughts Upon Government*, London, Bell and Daldy, 1872, p. 99.

<sup>41</sup> Vide Urwick, L., *The Elements of Administration*, New York, Harper & Brothers, 1944, p. 72.

here the infirmities and disadvantages from which such a committee suffers:

Firstly, it has weakness and dilatoriness. The weakness is the result of a number of factors. In the first place, an advisory body generally lacks a statutory basis, its existence, thus, depending upon the sweet will of the executive. Evidently, this has a restraining influence on the members. Secondly, the appointing authority being the executive, the members are inclined to ingratiate themselves with the officials with a view to stabilising their membership. This cuts at the root of their independence. Thirdly, the members, whose main interests lie elsewhere, tend to veer round the official views by just dotting the i's and crossing the t's. Furthermore, the committee is not in continuous session, and, consequently, the matters normally hang up until they are disposed of by it. And, when the committee does meet, it is not rare to find the consideration of the matter postponed on some pretext or provocation. As it stands, "the tendencies to delay, to postpone, to avoid and to compromise are apparent in almost all the types of committees".<sup>42</sup>

Secondly, as an advisory committee confines itself to the tendering of advice and has not to bear the brunt of it, there is an easy temptation to recommend courses of action without fully realising the administrative or practical implications of the same. Divorced from responsibility to execute its own recommendations, it tends to grow irresponsible. This aspect has been well emphasised by Arthur Helps. He pointed out : "... in a purely consultative council, it will be found that the counsellors will be prone to ignore difficulties in action and will recommend courses of conduct which they might hesitate to recommend if they were the persons who would have to carry into effect their own recommendations."<sup>43</sup> Moreover, an advisory committee may not display a long-range point of view in its deliberations, and, consequently, its recommendations may suit the exigencies of the present situation but may possibly be harmful in the long run. As More Grant puts it, "collective consideration of a question by a committee . . . can tend to 'force a solution' out of only those materials, circumstances or situations already in potent and clearly evident existence. In such cases, the future frequently is heavily discounted

<sup>42</sup> Wheare, K. C., *Government by Committee*, op. cit., p. 253.

<sup>43</sup> Helps, Arthur, op. cit., p. 98.

and 'solutions' are sought with primary reference to the situational elements of the present."<sup>44</sup>

Thirdly, the purely advisory role of the committee makes it look a redundant appendage to public administration. Conversely, any greater authority that this body may happen to acquire in practice would make the members enormously influential, which may be a potential source of corruption of the public life of the country. That this pattern of thinking is not entirely absent in the country is confirmed by the following observation of a Member of Parliament: "Then I come to advisory bodies. There are two categories already—statutory and non-statutory bodies. Then we find a third category called advisory body. Against the background of statutory and non-statutory bodies, the advisory body does not have any *locus standi*. Now, let us scan and examine the work of the advisory bodies. Suppose the recommendations of the advisory body... to the Government are going to be only advisory and recommendatory, then there is no meaning in duplicating the administrative machinery as also expenditure on administration by having this superfluous thing. On the other hand, if it means that the recommendations of the advisory body are binding on the Government, think—it might be invisible in a sense—of the enormous prestige, the enormous influence and the enormous power that such a body is likely to command. Whatever might be the good intentions we might have about these bodies—the path to hell is paved with good intentions only—the flood gates of corruption are opened because when a man knows that a certain member of an advisory committee advises such and such Minister, the country being as it is, that Member is drawn into the catacomb—I do not say of corruption—of unhappy things."<sup>45</sup>

Fourthly, an advisory body consumes much of an administrator's time. Obviously, an administrator exists to perform some other duties, not merely to assist the advisory committee. The diversion of his attention leads to a dilution of efficiency as well as a slowing of the pace of administration. Even otherwise, as Paul H. Appleby has rightly warned: "Excessive cross-reference and consultation in the

<sup>44</sup> Grant, More, *op. cit.*, p. 98.

<sup>45</sup> Hem Barua's speech in the Lok Sabha. *Lok Sabha Debates*, Sixth Session, Vol. XXII, 24 November 1958, col. 1261.

course of administration is not 'democratic administration'; it frustrates the democratic aspirations; it is an evasion of responsibility . . . There are methods that diffuse and conceal responsibility, that reduce accountability, that misinterpret responsiveness, that over-burden citizens and that convert considerateness into sticky sentimentality. These damage effectiveness and demean democracy . . . a method that endeavours to get from citizens in the name of 'participation' a judgment that can well be made only by those in positions of responsibility is erroneously and fictitiously responsive. These remarks are intended to be merely suggestive of lines to which attention should be given here, attention that will result in theoretical guides to good practice."<sup>46</sup>

Fifthly, an advisory body may not comprehensively scrutinise all facets and aspects of an issue before giving advice. It is possible that the recommendation of an advisory committee may sometimes run counter to constitutional or legal provisions. Also, sheer lassitude might make it short-circuit its task by hastily arriving at recommendations. Arthur Helps correctly remarks: "In this world so many things are decided by fatigue. The council, if not guided by a skilful person in its discussions, will waste its time upon minor points and in combating the unreason or the argumentativeness of some one or more of its members; and then, at the last, a hasty decision has to be formed, which may be anything but the wisest which could be formed. Bacon has given the world an essay on councils, full, as might be expected of valuable thought and not disdaining to discuss points apparently somewhat insignificant such as the shape and size of the council table; but he does not notice the effect of weariness. This omission may be accounted for by the greater powers of endurance of our ancestors, who, moreover, were trained to listen to long discourses patiently and were not so much oppressed by a variety of business as we, the men of the present generation, are. With us I doubt not that the effect of weariness is one of the main elements in any assemblage of men."<sup>47</sup>

Sixthly, an advisory body might even degenerate into a screen or a shield. "Governments, like individuals, ask for advice for many

<sup>46</sup> Appleby, Paul H., *Public Administration in India : Report of a Survey*, New Delhi, Cabinet Secretariat, 1953, p. 68.

<sup>47</sup> Helps, Arthur, *op. cit.*, p. 101.

reasons besides the want of wise counsel. On occasions they do it in order to flatter, to find support, to seek out opposition, to learn facts and to shift responsibility."<sup>48</sup> An advisory body keeps up an illusion that the issue is under active consideration at the hands of the representatives of the affected interests, whereas, in practice, this body confronts *fait accompli*, the official mind having been already finally made up. Furthermore, the existence of a committee silences the potential critics of a policy or scheme, for public administration might always hold out the plea of popular participation in the framing of it.

Finally, surfeit of anything, however good, leads to waste, and the key-note of a good administration is moderation. There can be no objection to the setting-up of advisory committees and, in fact, it is even desirable to do so. But when an activity is expanded so largely, it leads to certain characteristic evils. For instance, these committees generally tend to vie with one another and to exhaust all the possibilities of their subject as early as possible; they make too numerous recommendations which no government may ever implement and some of which are too utopian to be implemented at all; and they make a large call on time, money and energy which may not be justified in terms of the results obtained. Besides, the available talent and personnel being limited, the formation of too large a number of advisory committees creates a situation where almost the same basic group of people meets again and again under, of course, different names.

The basic factor behind the growth of advisory committees has been an increase in governmental functions and their consequent diversity and complexity. Under the impact of welfare state and planned socio-economic development, the functions of the government will progressively increase leading to a corresponding diversification. Even otherwise, the functions will surely fan out in all directions to meet the continuing challenge of an urban-industrial society and the forces of science and technology. As a result, the need for advisory committees will continue to be felt in the foreseeable future, and, further, both their number and importance will increase with the passage of time. It is but proper, therefore, to reckon advisory committees as being, or fast becoming, an integral part of the machinery of government, although

<sup>48</sup> *Advisory Committees in British Government*, op. cit. pp. 1-2.

these are composed of members who are outside its regular cadre. Writing in 1940, R. V. Vernon observed: "It would not be altogether fanciful to suggest that the future may see constitutional changes in which some of the experience gained in the working of advisory bodies would find expression."<sup>49</sup> K. C. Wheare averred in 1946: "In my view these (advisory) bodies can be of greatest value in assisting parliamentary bureaucracy to work well and they should be regarded as an essential part of our machinery of government."<sup>50</sup>

Although advisory committees are now an integral part of the machinery of government, they have not so far attracted any appreciable attention either from the bureaucrats in charge of running the administration, and, therefore, responsible for their use, or even from those like Paul H. Appleby and A. D. Gorwala, who have studied the machinery of the Central Government, and submitted reports. In the absence of any enquiry into their composition, functioning, etc., they have grown in a somewhat haphazard way, and the overall results, consequently, have been less than happy in many cases. As advisory committees have come to represent a rather permanent development in the governmental field, it is of utmost importance to streamline the system of advisory committees, and it is with this subject in view that the following comments are ventured.

There has been, of late, a rapid growth of these committees, and what is more, many committees sit to advise on the same subject, or subjects of a kindred nature. This has led to unjustifiable waste of time and public money, besides adding considerably to the work of the officials. This may call for a commission of enquiry which should be required to study all the existing committees, their functions, composition, and other cognate matters, and work out a scheme for their rationalisation. This view has also been expressed by H. C. Mathur, a Member of Parliament, who wrote in 1958: "I would . . . venture to suggest the appointment by the Government of India of a committee to inquire into the objectives, functions and composition, etc., of the great maze of the advisory bodies which we have come to have today with a view to their rationalisation and the formulation of

<sup>49</sup> Vernon, R. V., and Mansergh, N., *op. cit.*, p. 22.

<sup>50</sup> Wheare, K. C., 'The Machinery of Government', in *Public Administration* (Journal of the Institute of Public Administration), Summer 1946, p. 84.

model standards and guidelines for future.”<sup>51</sup>

At the same time, it is necessary to frustrate such attempts at the creation of a spawn of unnecessary advisory committees, and to this end it is suggested that new advisory committees should be set up only after their approval by the cabinet. At present, a ministry has an untrammelled freedom to constitute a committee at its pleasure, and this procedure, understandably, leads to the formation of a committee even when there is no clear need for it.

Staffing of advisory committees should receive more attention than at present, for on it largely rests the efficiency of a body. Yet, it is on this count that the government could be subjected to criticism. In matters of appointment, the abilities of a person do not always constitute the most important criterion. Consequently, it is not rare to find many square pegs in round holes. A parliamentary secretary could be nominated<sup>52</sup> to represent ‘technical knowledge’ on the Development Council for textiles made of wool, and a noted historian<sup>53</sup> on the Development Council for food processing industries.<sup>54</sup> Further, the exclusion of the chairman of the University Grants Commission from the membership of the Central Advisory Board of Education pinpoints a vital lapse on the part of the Ministry of Education in adequately staffing its advisory committees. Under this head, the following suggestions are offered:

- (i) While appointing persons on these committees, the primary consideration should be their qualifications, experience and probity.
- (ii) At the same time, a broad balance should be maintained on each committee by nominating persons representing all regions of the country. It is, thus, desirable to arrest the trend of a disproportionately high weightage in favour of the country’s capital, and, perhaps, a few other geographical regions.

<sup>51</sup> Vide his letter published in *The Indian Journal of Public Administration*, October-December 1958, Vol. IV, No. 4, p. 479.

It is, however, subject to dispute whether model rules could be suitable “where requirements vary with individual cases”. Vide R. C. Dutt’s reply to H. C. Mathur’s letter, published in *The Indian Journal of Public Administration*, Vol. IV, No. 4, p. 479. Nevertheless, it appears that broad guidelines are necessary to put the system on a sound footing.

<sup>52</sup> Order SO 482/IDRA/6/12, dated 18 February 1960, Ministry of Commerce & Industry.

<sup>53</sup> Radha Kumud Mookerji.

<sup>54</sup> SO/IDRA/6/14, dated 27 July 1960, Ministry of Commerce & Industry.



- (iii) Care should be taken to nominate only such persons as may devote sufficient time to the work of a committee. As committee work is in addition to a man's principal avocation, it is obvious that a person may serve effectively only on a limited number of advisory committees. His membership of too many committees results inevitably in the neglect of his professional duties and in his doing scant justice to the work of the committees of which he happens to be a member. He will flit from one meeting to another without any prior preparation, and would, consequently, contribute precious little to the deliberations. Moreover, by usurping the membership of a large number of committees he, in effect, prevents other less busy but, all the same, competent persons from being nominated on the committees. Finally, a person's membership of many committees involves him in too close a contact with the administrative machinery, and, this, in all conscience, would not be quite a wholesome practice. It is, therefore, suggested that before a person is nominated, he should be required to submit his occupational workload and other pre-occupations, and the Government should evolve suitable yardsticks to ascertain objectively whether he may spare time adequate enough for the work of the committee. The long-term remedy, however, lies in some central ministry, preferably the Home Ministry or the Cabinet Secretariat, maintaining a list of persons and available for such public service. Even when a 'recognised' association is provided representation on a committee, it should preferably submit a panel of, say, three names out of which the final choice may be made by the ministry concerned.
- (iv) The present practice of confining, in effect, if not formally, the membership to a restricted group of nominees belonging mainly to the elites of the society, does not make for any widespread popular participation in administrative processes in the community. The 'little man' is seldom appointed, and it is he who is very much in the category of 'the administered'. Similarly, teachers are, by and large, not much favoured for appointment on advisory committees, although a few stray instances may be cited to show their presence in some committees. In fact,

William A. Robson was disagreeably surprised to note that the undoubted abilities of teachers were not utilised in India by making them members of advisory committees, etc., and in an article, which he wrote after his visit to India in 1959, he gave vent to his reactions, commenting: "University professors are seldom, if ever, invited to serve on advisory committees or other public bodies where their specialised knowledge and highly trained minds could be valuable. It is perhaps desirable for teachers not to take too active a part in political controversy in the public forum, but it is short-sighted to refuse to make use of their special qualifications outside the lecture room."<sup>55</sup>

At the same time, it is also necessary here to enter a plea for an increased utilisation of the political element in advisory committees. The rationale behind such a plea is thus described by R. V. Vernon: "In a country where the party system exists its existence cannot be ignored; and it is generally wise to include in an advisory body persons who are qualified not so much by knowledge or experience, or by 'interestedness' in the narrow sense, as by the fact that they 'stand for' or 'speak for' sections of the community which are politically important."<sup>56</sup> A politician has a distinct role to play in advisory committees. The representatives of the interest-groups are not, by their very definition, the enlightened spokesmen of the community. As regards the experts, they may often stand largely insulated from the main currents of the society, and, thus, may not authentically interpret the hopes and aspirations of the community. Moreover, as Chester Barnard puts it, "in matters of leadership, for example, they prove to be irresponsible (absent-minded, non-punctual), non-decisive (ultra-judicial, see so many sides that they can never make up their minds), and non-persuasive (a little 'queer', not interested in people)"<sup>57</sup>. Consequently, a politician is necessary to counter-balance the pure intellectual,

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<sup>55</sup> Robson, William A., 'India Revisited', in *The Political Quarterly*, October-December 1960, p. 436.

<sup>56</sup> Vernon, R. V., and Mansergh, N., *op. cit.*, p. 28.

<sup>57</sup> Barnard, Chester I., *Organisation and Management*, Cambridge, Massachusetts, Harvard University Press, 1948, p. 98.

and, thus, exercise a corrective influence on both the representative of the interest-group and the expert. His association with an advisory committee goes a long way in imparting necessary prestige to its work. Lastly, the political profession in India has been failing, since independence, to attract, in sufficient number, bright persons to itself and this progressively declining recruitment does not augur well for the future of parliamentary democracy in the country. There is, therefore, a need for making this profession more attractive, and one of the ways suggested to this end is enlisting the services of politicians in the work of a larger number of advisory bodies. At the same time, it must be emphasised that the prevailing practice of restricting representation of the political element to the elected Members of Parliament and of the state legislatures only, and, further, of according a preponderant share of such representation to the members of the ruling party is both unfair and undesirable. The last-mentioned point should be particularly stressed, for, as the present study discloses, whenever it comes to providing representation to the Members of Parliament, a lion's share of the allotted seats goes to the ruling party, reminding one of the well-known adage that "to the victor belongs the spoils". This discrimination has been repeatedly subjected to criticism in the Lok Sabha, and on one occasion even the Speaker felt constrained to advise the treasury benches to give adequate representation to the opposition. Referring to the composition of the Direct Taxes Advisory Committee, Hem Barua pointed out in the Lok Sabha: "These members who are on this committee have been appointed only from one party... Is it not the duty of the chair to protect the different groups and parties?"<sup>58</sup> Thereupon the Speaker observed :... "I would suggest that in all committees where Members of Parliament are taken, as far as possible, representation should be given to the opposition. Of course, all groups and all parties may not be satisfied in the same committee. By turns, they may be appointed, so that both views may be before the committees... I shall consider this matter. Whenever there is a big committee whose membership

<sup>58</sup> *Lok Sabha Debates*, Vol. LVI, No. 9, Second Series, 18 August 1961, col. 2900-01.

exceeds five or six, care will always be taken to see that the opposition is represented. That is my advice.”<sup>59</sup> The remedy lies in the Speaker/Chairman nominating Members of Parliament on advisory committees. This view is shared by the Committee on Subordinate Legislation which has observed: “The representation of Members of Parliament on statutory bodies should be by election by either House, or, in the alternative, by nomination by the Speaker or the Chairman; in no case should the selection of representative of Parliament be left to be made by the executive Government.”<sup>60</sup>

- (v) It may also be suggested that the retired officials as well as public figures including teachers should be nominated on advisory committees in a larger number than at present. As a retired official has experienced both the transmitting and the delivery ends of administration as an administrator and a citizen respectively, he may bring to bear a highly diversified and mellowed experience on the deliberations of an advisory committee. Besides, having leisure to think over the various problems, and, further, having, generally speaking, no personal axe to grind, both the retired official and the retired public figure including the teacher are eminently fitted for detached counselling. Further, their conservative outlook, fostered by age, acts as a sobering influence on the occasional effusive garrulity in an advisory committee. Incidentally, this arrangement will also give them an opportunity of rendering social service, and a sense of being ‘employed’ in certain activities.

The foregoing discussion may raise a pertinent question: how can it be possible to provide representation to all these elements without, at the same time, considerably adding to the number of advisory committees? By checking plurality of membership it is, however, possible to strengthen the existing committees with these elements.

It is vitally necessary that the members of an advisory committee should come fully prepared to present their considered views, and to elicit more information than is generally provided in the agenda

<sup>59</sup> *Lok Sabha Debates*, Vol. LVI, No. 9, Second Series, 18 August 1961, col. 2901-02.

<sup>60</sup> *Fourth Report of the Committee on Subordinate Legislation*, Lok Sabha, p. 4.

papers circulated by the secretariat. It is here that the chairman and the civil servants can do much to invigorate the discussion in the meeting. Best results may be ensured from the committee if it is, in the inimitable language of K. C. Wheare, "wisely led and wisely fed". Elaborating this cryptic remark he observes, "...the responsibility for leadership rests primarily upon chairman. . . . Their (chairmen's) success must, always depend in some degree upon the quality of the officials who serve the committee, whether as secretary or adviser, or servant, and upon whom the primary responsibility for the wise feeding of the committee rests. The good official in committee work must display a special technique, but he must possess also a belief or faith in government by discussion, and in the value of the association of 'special' and 'non-special' minds, as Bagehot called them. In cooperation chairman and officials can bring unity out of plurality, direction out of confusion, decision out of discussion. Government by committee, where chairmen and officials perform their vital and difficult roles with skill and success, will go far. . . to ensure not only that we make the best of democracy, but that we make the best of bureaucracy also."<sup>61</sup>

Some of the advisory committees are dealing, among others, with financial issues, or with matters involving considerable powers of patronage. Thus, the All India Handicrafts Board is required, among other functions, "to examine the proposals received from the state governments and other institutions for central financial assistance and to make recommendations to the Governments of India in such cases". Some other examples are the Small Scale Industries Board, the Standing Advisory Committee on Central Purchases, the Licensing Committee (Ministry of Commerce and Industry), the Price Fixation Committee (Ministry of Education), etc. The Government is well advised to exercise greater care and caution in making appointments on such committees, a lesson driven home by the behaviour of the All India Handicrafts Board. The Board, it may be pointed out, advises (in practice, it takes decision) on financial assistance to be provided to agencies and institutions engaged in the manufacture and sale of handicrafts. It, therefore, entirely stands to reason that the Board should not comprise members who are, at the same time, actively associated with agencies applying for financial assistance

<sup>61</sup> Wheare, K. C., *Government by Committee*, *op. cit.*, pp. 253-54.

from the Board. In other words, there is a *prima facie* need for bringing into operation, in this sphere, the well-known American 'conflict of interest' clause, which should prevent, in the present context, members of an advisory committee taking 'decision' on matters in which they have stakes. The object in view may be fulfilled even if the members agree to a self-denying ordinance not to take part in discussion on a matter in which they have active interests. This is brought in for especial emphasis here, for, at present, the members are virtually immune from any visible control over them, and, as a consequence, matters may touch a low level of financial morality. That such a view is not wholly unwarranted is lent support by the way the All India Handicrafts Board has been functioning. It may be pointed out that the Indian Cooperative Union received, during the Second Five Year Plan period, Rs. 35 lakhs out of a total financial assistance of nearly Rs. 55 lakhs given by the Board to the private institutions. An interesting question is: why has a large part of the aid been lavished on one single institution? The answer to this query is to be found in the preceding discussion. The denouement is thus explained by the Estimates Committee. "In this connection the (Estimates) Committee note that the chairman of the Board, one of its vice-chairmen and its member-secretary are respectively president, member, and general-secretary of the Indian Cooperative Union which is running the Central Cottage Industries Emporium. The two representatives of the Ministry of Finance, and the Commerce and Industry, who are on the standing committee of the board, are also members of the managing committee of the Central Cottage Industries Emporium. Thus, the main office-bearers of the board, which sanctions the grants and loans, are also the principal functionaries of the Indian Cooperative Union which is the main beneficiary. Such an arrangement is not in keeping with the canons of financial propriety".<sup>62</sup>

The ministry concerned should lay down a well-defined policy for dealing with advisory committees. For instance, if an advisory body is needed in a field, and if it is created, it is naturally expected that it would be consulted in all important matters, that its advice will be treated with due respect; and that it would be kept informed of all

<sup>62</sup> One Hundred and Sixty-First Report of the Estimates Committee, Second Lok Sabha, para 47.

the latest developments in that sector of administration. But these conditions are not always fulfilled at present. The meetings of these committees are held, more or less, at the pleasure of the Ministry; their agenda is often flooded with minor issues while even very major things are often decided without a reference to them; and no earnest attempt is made to follow up and implement their recommendations. This, inevitably, leads to a certain unreality in their discussions and to a good deal of frustration. Writing about the Shipping Coordination Committee, the Estimates Committee observed: "It was represented to the (Estimates) Committee that the Coordination Committee had failed to achieve the object for which it was set up. It was also represented to the (Estimates) Committee that ship-owners were not always consulted with regard to the availability of shipping space for carriage of Government cargo."<sup>63</sup>

The present policy of treating the work of virtually all the advisory committees as being confidential in nature must undergo a fresh scrutiny and substantial modification. At present, most of the committees function under cover of secrecy, and their proceedings including recommendations are not made public in the shape of published reports. This veil of secrecy appears to be not warranted, as advisory committees do not generally deal with high matters of state. At present, the Central Advisory Board of Education, the National Railway Users' Consultative Council, the Central Advisory Board of Health, etc., are among the important advisory committees printing their reports. Even these reports are not made available to the public in the form of priced publications. It is suggested that advisory committees may add to their effectiveness by publishing summaries of their proceedings including recommendations in the form of reports. Making its recommendations in the form of a report has a wholesome effect, as a member of a committee would naturally be induced to think over an issue before expressing himself. Moreover, by publishing its report, a committee generally ensures a greater deference to its work from the government. The latter will seriously consider its recommendation, for there is a lurking fear that the rejected recommendations may be taken up by outside groups or even by the Members of Parliament, and, consequently, the government may be called upon to offer an explanation

<sup>63</sup> *Thirty-Eighth Report of the Estimates Committee*, Second Lok Sabha, p. 37.

justifying its stand. But submission of written reports may raise a ticklish problem. As it is usual for a committee to have civil servants among its members, the latter may not find it possible to append their names to it. This difficulty may, however, be overcome by getting the report signed only by the non-official members.<sup>64</sup>

The practice of treating the proceedings confidential coupled with that of having members nominated to advisory committees makes these constitute what Ely Devons has called "government on the inner circle". One cannot do better than quote him at length:

"There are, of course, plenty of arguments against more regular open disclosure of the issues usually debated secretly and confidentially behind closed doors. These arguments are usually put forward with great force in the sphere of government . . . .

Another force making for concealment is the conduct of business by negotiation. One sees this every where; not just in government but also in industry, in trade unions, and in the academic world. Business, it is claimed, in all these spheres is a delicate affair of negotiating compromises. This can be done successfully only if the participants can negotiate in secret conclave, or better still, Cornford called it, by squaring.

There is little harm in all this if politics is just the art of negotiating compromises between vested interests. But if not, if principle and a wider public interest should count, then secrecy on these grounds may be cause for alarm. For the greater the possibility of secrecy, the greater the temptation to the politician and administrator to be content with the negotiated settlement, regardless of principle and the wider public interest. More limelight is indeed out of the most effective ways of preventing politics from degenerating into a

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<sup>64</sup> In fact, this position was adopted in answer to an exactly similar problem which arose in Britain in connection with the preparation of a report on Social Insurance & Allied Services (popularly known as the Beveridge Report). The Minister concerned wrote to Lord Beveridge, the Chairman of the Committee: "In view of the issues of high policy which will arise, we think that the departmental representatives would henceforward be regarded as your advisers and assessors on the various technical and administrative matters with which they are severally concerned. This means that the Report, when made, will be your own report; it will be signed by you alone, and the departmental representatives will not be associated in any way with the views and recommendations on questions of policy which it contains. It would be well that the Report should contain words to make it clear that this is the position." *Report on Social Insurance & Allied Services*, Cmd. 6404, London, HMSO, 1942, p. 2.



mere subtle balancing of the interests of conflicting pressure groups. Then there is the argument based on the essential delicacy, intricacy, and informality of the web of connections vital to getting things done sensibly. The whole procedure may indeed seem highly illogical, yet it works . . . .

To me, as an outsider, the very subtlety and informality of the system may itself be one of its weaknesses. For it makes possible influence...by suggestion, hint, and innuendo, an influence which is as vague that it may be difficult to criticise but may yet add up in the end to a more powerful and extensive control than would be tolerated if this were attempted by formal rule and instruction... The arguments for private and confidential debate... are frequently used in defence of the practice. But I wonder whether there is not in all these arguments a deeper, although unacknowledged, reason for reluctance to admit the public to a full view of events: a mistrust of the general public; a fear that they will not understand or be willing to face the truth; a feeling that the public must be cajoled, wheedled, seduced and exhorted, rather than convinced by logical argument and debate; a dread that if the whole complexity of the situation is revealed it will be misinterpreted and misjudged. These, plus the temptation to keep information secret, because exclusive knowledge means power, seem to me to be the main motive forces behind the passion for cliques, confidentially, and secrecy. There is so often the arrogant assumption on the inner circle of experts that truth is a commodity which the millions cannot face . . . .

How can this attitude be reconciled with the notion that ours is, politically at least, a democratic society? But to me... political democracy implies a full participation by the general public in the argument and debate about issues of policy which affect them. How can this discussion be sensible and intelligent if crucial information is confined to the inner circle, and the public is merely served with clichés and platitudes through public relations officers and information departments?<sup>65</sup>

Finally, a word may be called for by way of explaining the honorary nature of the membership of advisory committees, if only

<sup>65</sup> Devons, Ely, 'Government on the Inner Circle', in *The Listener* (BBC), Vol. LIX, No. 1513. 27 March 1958, pp. 523-25.

to refer to the criticism of the prevailing arrangement, as expressed by a scholar of the eminence of K. C. Wheare. To understand the full force of his argument, it is better to quote him: "It must be emphasised also that if the supply of laymen is to be maintained, those who serve upon committees must be protected against financial loss, to put it at the very least. Good laymen are found in all walks of life; they are not confined to the leisured or salaried classes. Although there is a great deal to be said unpaid service upon committees, it is true also nowadays that some of those who perform the layman's function—Members of Parliament and many councillors, especially the chairman of important committees—must devote all their time to it if it is to be executed effectively. Public service of this kind is just as important as service in government departments. It should be appropriately rewarded."<sup>66</sup> Membership of advisory committees is at present regarded as voluntary public service for which payments are not made. This is calculated to keep off the purely job-seekers from this sphere. It appears rational as well, as the members do not remain continuously engaged in the committee work, and, further, they earn their living by other avocations. Payment for their services would entail an obligation to part with their profession, or, at any rate, to keep only nominal contacts. This would certainly 'immobilise' the representatives of the interest-groups, for their services are solicited mostly because they provide a regular link with the outside interests, and, thus, the purpose of advisory committees could, in practice, be largely defeated. Moreover, the membership of an advisory committee, it may be noted, is some kind of an honour to the person, and it offers a sure passport to his recognition in other spheres. This is no less 'compensation' for the time and energy expended on the work of the committee. And, lastly, it is not wholly correct to think that the members of these committees render completely gratuitous service, for they, at present, receive what may, from the harried tax-payer's point of view, appear as rather sumptuous allowances. They are entitled to travelling and various other allowances and occasional trips to hill stations to which the venue of the meetings is shifted during the summer months so that the members may work more efficiently in the salubrious climate of the hills. It,

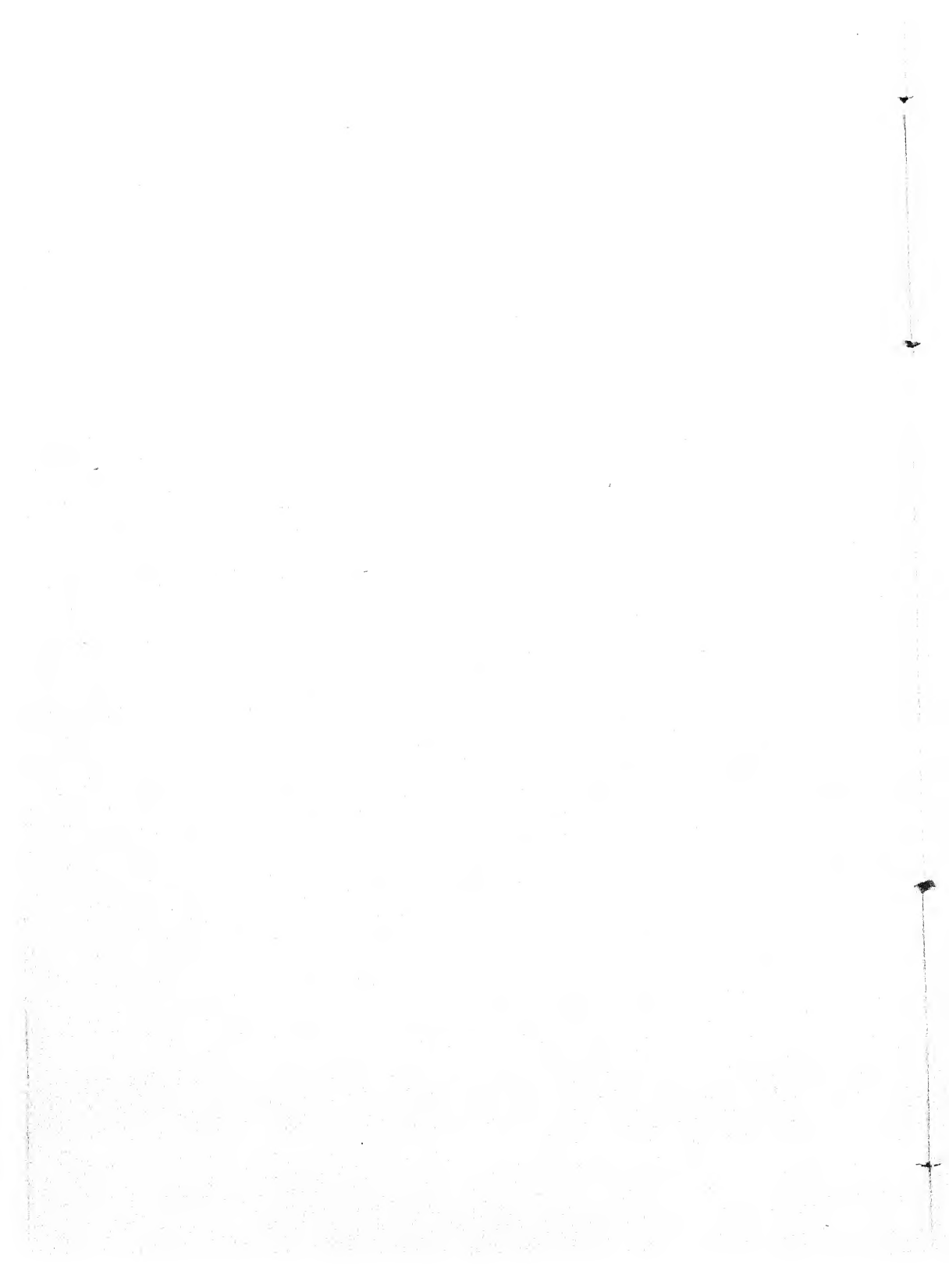
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<sup>66</sup> Wheare, K. C., *op. cit.*, pp. 251-52.

therefore, appears that it is neither necessary nor desirable to disturb the *status quo* in this matter.

To conclude, advisory committees have emerged to constitute a significant administrative innovation of the twentieth century, and are perhaps reflective of a high level of political socialization reached by a community. They seek to stabilise the political system of which they are an offshoot. Their contributions lie in the fields of both intangibles and tangibles, although the different types of committees have different degrees of influence, flowing largely from functional differentiations. Consultative committees, in particular, enlarge the scope and enrich the contents of democracy by combining the essence, so to say, of both initiative and referendum. Like initiative, they act as corrective to the omissions of public administration, and like referendum, as corrective to the latter's commissions. To the people, advisory committees are an institutional arrangement to keep the government apprised of what they expect, what they apprehend, and what they would resist. To the government, they open a window in the minds of the people and provide an anvil to test the goodness of public policies.

## APPENDICES



## Appendix A

### STATEMENT SHOWING THE NUMBER AND NAMES OF ADVISORY COMMITTEES FUNCTIONING AT PRESENT TO ADVISE THE CENTRAL GOVERNMENT<sup>1</sup>

S. No.	Name of Committee/Advisory Body
<i>Ministry of Home Affairs</i>	
1.	Central Advisory Committee to deal with representations from Gazetted personnel.
2.	A committee of the State level in each of the new or reorganised States in Andhra Pradesh, Bombay, Kerala, Madhya Pradesh, Madras, Mysore, Punjab and Rajasthan.
3.	Central Advisory Board for Harijan Welfare.
4.	Central Advisory Board for Tribal Welfare.
5.	Central Prohibition Committee.
6.	Advisory Committee for the Union Territory of Delhi.
7.	Advisory Committee for the Union Territory of Himachal Pradesh
8.	Advisory Committee for the Union Territory of Manipur.
9.	Advisory Committee for the Union Territory of Tripura.
10.	Standing Fire Advisory Committee appointed by Home Ministry in the capacity of consultative and advisory body to examine the technical problems relating to fire services.
11.	Political Sufferer's Relief Committee, Delhi.
12.	Advisory Committee for the Union Territory of Andaman & Nicobar Islands associated with the Home Minister.
13.	Advisory Council for Laccadive, Minicoy and Amindivi islands.
14.	Home Guards Advisory Committee.
15.	Advisory Committee to advise the Central and State Governments on matters relating to such sphere of forensic science with a view to devising improved methods of scientific detection and control of crime and collection of intelligence.
16.	Informal Consultative Committee for the Ministry of Home Affairs.
17.	Northern Zonal Council.
18.	Eastern Zonal Council.
19.	Central Zonal Council.
20.	Western Zonal Council.
21.	Southern Zonal Council.

#### *Ministry of Works, Housing and Supply*

1. Advisory Committee on the Installation of Statutes at suitable places in the Capital.
2. Advisory Committees on Decoration of important Central Government Buildings.
3. Advisory Committee for the utilization of Government land.
- †4. Standing Advisory Committee for the provision of General Services in Government Colonies.

<sup>1</sup>(i) *Ad hoc* Committees are indicated with one asterisk(\*).

(ii) Committees consisting of official members only are indicated with dagger(†).

(iii) Sub-committees/Standing Committees are indicated with double dagger(‡).

- \*5. Committee for the Regularisation of Unauthorised Construction put up by self-Rehabilitated Refugees on Government Land prior to 15th August 1950.
- 6. Central Works Advisory Board.
- 7. Landscapes Committee for New Delhi.
- 8. National Building Council.
- ‡9. Standing Committee of NBC.
- 10. Central Advisory Committee or Rural Housing Wings.
- 11. Regional Purchase Advisory Council, Eastern Zone.
- 12. Regional Purchase Advisory Council, Western Zone.
- 13. Regional Purchase Advisory Council, Northern Zone.
- 14. Regional Purchase Advisory Council, Southern Zone.
- ‡15. Sub-Committee of the Central Purchase Advisory Council.
- 16. Standing Advisory Committee of Central Purchases.
- 17. Government Test House Advisory Body.

*Ministry of Steel, Mines and Fuel*

- 1. Coal Council of India.
- ‡2. Committee on Production and Preparation of the Coal Council of India.
- ‡3. Committee on Assessment of Resources of the Coal Council of India.
- ‡4. Committee on Transportation of the Coal Council of India.
- ‡5. Committee on Requirements and Utilisation of the Coal Council of India.
- 6. Fuel Efficiency Committee.
- 7. Coal Advisory Committee.
- 8. Coal Transport Advisory Committee.
- 9. Coal Production Advisory Committee.
- 10. Oil Advisory Committee.
- 11. Petroleum Consumers' Advisory Council.
- 12. Mineral Advisory Board.
- ‡13. Mica Sub-Committee of the Mineral Advisory Board.
- 14. Regional Mineral Advisory Council (Southern Region).
- 15. Regional Mineral Advisory Council (Northern Region).
- 16. Regional Mineral Advisory Council (Central Region).
- 17. Regional Mineral Advisory Council (Western Region).
- 18. Regional Mineral Advisory Council (Eastern Region).
- 19. Programming Board for the Geological Survey of India and Indian Bureau of Mines.
- 20. Standing Panel of Technical Experts to advise the Government and the Neyveli Lignite Corporation on technical matters connected with the implementation of the Integrated Neyveli Lignite Project.
- 21. Iron and Steel Advisory Council.
- 22. Standing Committee on Raw Material for the Steel Industry.

*Ministry of Commerce and Industry*

- 1. Slag Cement Committee.
- 2. Committee on the exploitation of asbestos deposits in India.
- 3. Company Law Advisory Commission.
- 4. Technical Advisory Committee under the Department of Company Law Administration.
- 5. Research Programme Committee under the Department of Company Law Administration.
- 6. Management Accounting Committee under the Department of Company Law Administration.

7. Advisory Board for Company Secretaries.
8. Coordination Committee of Small Industries.
- †9. Sub-Committee of the Coordination Committee of Small Industries for rationalising the pattern of financial assistance from the Central Government.
10. Standing Committee on Industrial Cooperatives.
11. Standing Committee on the Socio-economic Programme of the Central Social Welfare Board.
12. Control Committee for the Tibetan Refugees' Training Centre at Dalhousie.
13. Import Advisory Council.
14. Export Advisory Council.
15. Advisory Committee for the Department of Commercial Intelligence and Statistics, Calcutta.
16. Wholesale Prices Index Revision Committee.
17. Foreign Agreements Committee.
18. Development Council for Internal Combustion Engines, and Power Driven Pumps, Air Compressors, Blowers, etc.
19. Development Council for Organic Chemical Industries.
20. Development Council for Inorganic Commercial Industries.
21. Development Council for Machine Tools.
22. Development Council for Light Electrical Industries.
23. Development Council for Heavy Electrical Industries.
24. Development Council for Automobiles, Automobile Ancillary Industries and Transport Vehicle Industries.
25. Development Council for Bicycles, Sewing Machines and Instruments.
26. Development Council for Non-ferrous Metals and Alloys.
27. Development Council for Food Processing Industries.
28. Development Council for Sugar.
29. Development Council for Paper, Pulp and Allied Industries.
30. Development Council for Leather, Leather Goods & Pickers.
31. Development Council for Woollen Textiles.
32. Development Council for Art Silk Textiles.
33. Development Council for Oils, Soaps and Paints.
34. Development Council for Drugs and Pharmaceuticals.
35. Development Council for Machine Building Industry.
36. Cotton Textiles Consultative Board.
37. Textile Commissioner's Advisory Committee.
38. Cotton Advisory Board.
- \*39. *Ad hoc* Committee on Textile Machinery Industry.
- †40. Standing Committee of the Export Promotion Advisory Council.
41. Central Advisory Board for Salt.
42. Regional Advisory Boards for Salt:
  - (i) Madras;
  - (ii) Andhra Pradesh;
  - (iii) West Bengal & Orissa;
  - (iv) Gujarat;
  - (v) Rajasthan; and
  - (vi) Maharashtra.
43. Standing Metric Committee.
44. Raw Films Advisory Committee.
145. Small Scale Industries Board.

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<sup>1</sup> It is not an advisory committee.



46. Committees formed by the All India Small Scale Industries Board.
  - (i) The Standing Committee of the Small Scale Industries Board.
  - (ii) Industrial Estate Sub-Committee.
  - (iii) Committee for consolidation and simplification.
  - (iv) Sub-Committee on Ancillaries.
  - (v) Power Sub-Committee.
  - (vi) Committee on credit facilities.
  - (vii) Dispersal of Industries Committee.
  - (viii) Committee to consider Productivity Teams' Report.
  - (ix) Raw Material Sub-Committee.
  - (x) Committee to streamline the Hire Purchase Procedure of N.S.I.C.
  - (xi) Committee to examine the Government Store Purchase Scheme.
  - (xii) Committee on improved tools to artisans.
47. Central Advisory Council of Industries.
- †48. Standing Committee of the Central Advisory Council of Industries.
- †49. Reviewing Sub-Committee of Central Advisory Council of Industries.
- <sup>2</sup>50. Regional Exhibitions Selection Sub-Committee of the All India Handicrafts Board.
51. Advisory Committee for the Design Centres under the All India Handicrafts Board.
52. Central Handicrafts Cooperative Advisory Committee of the All India Handicrafts Board.
53. Committee to advise on the execution of a new building for the Central Cottage Industries Emporium.
54. Publications Sub-Committee of the All India Handicrafts Board.
55. Experts to review the instruments manufactured at the Sangeet Vidyala, Madras, under the All India Handicrafts Board.
56. Advisory Committee for Pilot Production Centre for wooden toys, Bombay.
57. Staff Selection Committee of the All India Handicrafts Board.
58. Museum Purchase Committee of the All India Handicrafts Board.
59. Advisory Committee, Dye Research Laboratory, under the All India Handicrafts Board.
60. Advisory Committee for Calico Dyeing and Printing under the All India Handicrafts Board.
61. Advisory Committee for Wood Work, Papier Mache & Lacquerware.
62. Advisory Committee for Shawls and Embroidery.
63. Advisory Committee for Dolls and Toys under the All India Handicrafts Board.
64. Advisory Committee for Cane, Bamboo Work, Willow Work and Pith, under the All India Handicrafts Board.
65. Advisory Committee for Pottery and Earthenware under the All India Handicrafts Board.
66. Advisory Committee for Ivory and Horn under the All India Handicrafts Board.
67. Advisory Committee for Zari, under the All India Handicrafts Board.
68. Advisory Committee for Jewellery, under the All India Handicrafts Board.
69. Advisory Committee for Art Metalware under the All India Handicrafts Board.
70. Advisory Committee for Carpet and Druggets.
71. Licensing Committee.
72. Panel for Watches and Clocks.

*Ministry of Labour and Employment*

1. Standing Safety Advisory Committee.
2. Coal Mines Labour Welfare Fund Advisory Committee.

<sup>2</sup> Nos. 50 to 70 are sub-committees of the All India Handicrafts Board.

3. Minimum Wages Joint Fixation and Revision Committee.
4. Minimum Wages Central Advisory Board.
5. Minimum Wages Advisory Board.
6. Mica Mines Labour Welfare Fund Advisory Committee for Andhra Pradesh.
7. Mica Mines Labour Welfare Fund Advisory Committee.
8. Mica Mines Labour Welfare Fund Advisory Committee for Rajasthan.
- \*9. Evaluation Committee constituted to examine the working of the various Labour Welfare Centres under the Mica Mines Labour Welfare Fund, Rajasthan.
- †10. M.P. Coalfield Sub-Committee (Statutory Body).
11. Steering Group on Wages.
12. Committee on Labour Management Cooperation.
13. Coal Mines Labour Housing Board.
- †14. Coordination Committee constituted by the Coal Mines Labour Welfare Fund Advisory Committee.
- †15. Finance Sub-Committee constituted by the Coal Mines Labour Fund Advisory Committee.
- †16. Bihar Coalfield Sub-Committee.
- †17. Hazaribagh Coal Field Sub-Committee.
- †18. West Bengal Coalfield Sub-Committee.
- †19. Orissa Coalfield Sub-Committee.
- †20. Assam Coalfield Sub-Committee.
- †21. Andhra Pradesh Coalfield Sub-Committee.
22. Hospital Committee for Central Hospital, Dhanbad and Regional Hospitals, Katras, Tisra and T. B. Clinic.
23. Hospital Committee for Central Hospital, Asansol, Regional Hospitals, Chora, Sersol and T.B. Clinic.
24. Hospital Committee for Regional Hospital, Jamai.
25. Hospital Committee for Regional Hospital, Naisrai.
26. Hospital Committee for Regional Hospital, Phusro.
27. Hospital Committee for Regional Hospital Dhanpuri.
28. Mining Board, West Bengal.
29. Mining Board, Bihar.
30. Mining Board, Andhra Pradesh.
31. Mining Board, Orissa.
32. Mining Board, Rajasthan.
33. Mining Board, Madhya Pradesh.
34. Mining Board, Mysore.
35. National Council for Training in Vocational Trades.
36. Central Committee on Employment.
37. Working Group of the National Employment Service.
38. Advisory Committee attached to the Employment Exchange for Domestic Servants.
39. Dock Workers Advisory Committee.
40. Central Implementation and Evaluation Committee (set up in pursuance of the recommendations of the 16th Session of the Standing Labour Committee.
41. Informal Consultative Committee for the Ministry of Labour and Employment.
42. Indian Labour Conference.
43. Standing Labour Committee.
44. Committee on Conventions.
45. Industrial Committee on Plantations.
46. Industrial Committee on Coal Mining.
47. Industrial Committee on Cement.
48. Industrial Committee on Tanneries and Leather Goods Manufactories.
49. Industrial Committee on Jute.

50. Industrial Committee on Cotton Textiles.
51. Industrial Committee on Building and Construction Industry.
52. Industrial Committee on Iron & Steel.
53. Industrial Committee on Chemical Industry.
54. Industrial Committee on Mines other than Coal Mining.

#### *Ministry of Finance*

1. Insurance Claims Board (recently transferred from Ministry of Rehabilitation).
2. Advisory Committee on Capital Issues.
3. National Savings Central Advisory Board.
- \*4. Central Excise Reorganisation Committee.
5. Customs and Central Excises Advisory Council at the Centre.
6. Regional Advisory Committees for manufactured and unmanufactured products.

#### *Ministry of Transport and Communications*

1. Telephone Advisory Committees (with 31 Committees).
2. Regional Posts & Telegraphs Advisory Committees (with 18 Committees).
3. Philatelic Advisory Committee.
4. Central Advisory Committee for Lighthouses.
5. Seamen's Employment Boards (Foreign going and Home Trade) at the port of Bombay.
6. Seamen's Employment Boards (Foreign-going and Home Trade) at the Port of Calcutta.
7. National Welfare Board for Seafares.
8. Merchant Navy Training Board.
9. Central Advisory Committee for Sailing vessels.
10. Regional Advisory Committee for Sailing vessels for Jamnagar Region.
11. Regional Advisory Committee for Sailing vessels for Bombay Region.
12. Regional Advisory Committee for Sailing vessels for Tuticorin Region.
13. Regional Advisory Committee for Sailing vessels for Masulipatam Region.
14. Shipping Coordination Committee.
- \*15. Central Advisory Committee for Sailing vessels.
16. Central Transport Coordination Committee.
17. Deck Passenger Welfare Committee, Bombay.
18. Deck Passenger Welfare Committee, Calcutta.
19. Deck Passenger Welfare Committee, Madras.
20. Deck Passenger Welfare Committee, Nagapattinam.
21. Transport Development Council.
22. Road & Inland Water Transport Advisory Committee.
23. National Harbour Board.
24. Hydrographic Survey Sub-Committee.
25. Kanda Port Advisory Committee.
26. Vishakhapatnam Port Advisory Committee.
27. Cochin Port Advisory Committee.
28. Ship Ancillary Industries Committee.
29. National Shipping Board.
30. Hotel Consultative Committee.
31. Tourist Development Council.
32. Eastern Zonal Tourist Traffic Advisory Committee.
33. Northern Zonal Tourist Traffic Advisory Committee.

\* This Committee has been enumerated twice.

34. Southern Zonal Tourist Traffic Advisory Committee.
35. Western Zonal Tourist Traffic Advisory Committee.
- \*36. The Advisory Committee with regard to get-up of tourist literature.

*Ministry of Irrigation & Power*

1. Central Flood Control Board.
2. Four River Commissions (Floods).
3. Informal Departmental Committee.

*Ministry of Food & Agriculture*

1. Scientific Food Advisory Panel.
- †2. Technical Standardisation Committee.
- †3. Foodstuffs Coordination Committee.
4. Foodgrains Storage Advisory Committee.
- †5. Development Council for Sugar Industry.
6. Vegetable Oil Products Advisory Committee.
7. Technical Committee for Vegetable Oil Products.
- \*8. Committee of Experts to Coordinate the Research for finding a suitable colour for Vanaspati.
9. Advisory Board of National Sugar Institute, Kanpur.
10. Informal Consultative Committee of Parliament for the Ministry of Food and Agriculture (both for the Departments of Food and Agriculture).
11. National Campaign Committee for 'Freedom from Hunger Campaign'.
12. Advisory Committee of the Delhi Milk Scheme.
13. Advisory Committee for the Botanical Section of the Delhi Zoological Park.
14. Delhi Zoological Park Council of the Delhi Zoological Park.
15. Committee on Large-Sized Mechanised Farms under the Chairmanship of Secretary, Department of Agriculture.
16. Central Council of Gosamvardhana.
17. Central Advisory Board of Forest Utilisation.
18. Indian Council of Agricultural Research.
19. Indian Council of Agricultural Education.
- \*20. Committee to consider the recommendations of the Second Indo-American Team.
21. Indian Board for Wild Life.
22. Central Board of Fisheries.
23. Advisory Committee for Deep Sea Fishing Station, Bombay.
24. Advisory Committee for Offshore Fishing Station, Cochin.
25. Advisory Committee for Offshore Fishing Station, Tuticorin.
26. Advisory Committee for Offshore Fishing Station, Visakhapatnam.
27. Board of Management for Central Mechanised Farm, Suratgarh.
28. National Livestock Committee.
- †29. Central Soil Conservation Board or its Standing Committee.
- †30. Standing Technical Sub-Committee of the All Indian Soil and Land Use Survey Scheme.
31. Central Board of Forestry.
- †32. Standing Committee of the Central Board of Forestry.
- †33. Executive Committee of the Central Advisory Board on Forest Utilisation.
34. Central Board for Rational Allocation of Timber.
35. National Cooperating Committee for Arid Zone Research in India.

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<sup>4</sup> It has been enumerated twice.

36. Technical Sub-Committee of 'Agronomy, Silviculture, Irrigation and Agri-Chemistry' of Central Arid Zone Research Institute, Jodhpur.
37. Technical Sub-Committee for 'Animala-Nutrition, Physiology and Entomology' of Central Arid Zone Research Institute, Jodhpur.
38. Technical Sub-Committee for Liaison in Physical and Chemical Engineering and Human Factor Studies' of Central Arid Zone Research Institute, Jodhpur.
39. Scientific Advisory Sub-Committee of Central Arid Zone Research Institute, Jodhpur.
40. The Central Food Products Advisory Committee.
41. Board of Agriculture and Animal Husbandry (Animal Husbandry Wing and Crop & Soils Wing).
- \*42. Inspection team on Post-graduate Education.
- \*43. Committee on Agriculture Universities.
- \*44. Committee on Central Staff College.
45. Standing Committee on Pilot Project and Demonstrations in Improved Agriculture Practices.
- ‡46. Sub-Committee of the above Standing Committee.
47. Standing Committee on Fertiliser Trials.
- ‡48. Sub-Committee of the above Standing Committee.
49. Veterinary Parasitology & Zoology Committee.
50. Animal Diseases & Pests Committee.
51. Fish Committee.
52. Central Rinderpest Control Committee.
53. Interim Indian Veterinary Council.
54. Standing Committee on improved Agriculture and Tools.

#### *Ministry of Rehabilitation*

1. Advisory Board constituted under the Displaced Persons (Compensation and Rehabilitation) Act, 1954.
2. Informal Consultative Committee for the Ministry of Rehabilitation.

#### *Ministry of Railways (Railway Board)*

1. Central Board of Railway Research.
2. Indian Railway Equipment Advisory Committee.
3. National Railway Users' Consultative Council.
4. Pilot & Depot Capacities Committee.
5. Public Cooperation Committee for combating crimes on Railways.
6. Informal Consultative Committees of Members of Parliament for the eight Zonal Railways.

#### *Ministry of Scientific Research & Cultural Affairs*

1. Informal Consultative Committee of Members of Parliament. Attached to the Ministry of Scientific Research and Cultural Affairs.
2. The Central Advisory Board for the Revision of Gazetteers.
3. All India Council for Technical Education.
4. Central Advisory Board of Biology.
- \*5. A Committee of the Central Advisory Board of Biology to consider need for legislation to ensure that the type materials for newly discovered species of fauna and flora in India are deposited in the National Zoological Collections and the Central National Herbarium.
6. Reviewing Committee of the Botanical Survey of India.
7. Reviewing Committee of Zoological Survey of India.
8. Indology Committee.

9. Indology Bibliography Committee on the National Library, Calcutta.
- \*10. Committee for framing the syllabus of Training Course for Librarians at the National Library, Calcutta.
11. Art Purchase Committee for the National Museum.
12. Governing Council, Indian School of Mines, Dhanbad.
13. Board of Governors, College of Engineering and Technology, Delhi.
14. Governing Body, Delhi Polytechnic, Delhi.
15. Central Advisory Board of Museum.
16. Art Purchase Committee for the National Gallery of Modern Art.
17. Committee Coordinating the Technical Teachers Training Programme.
18. Committee for Research Fellowships and Fundamental Research grants.
19. Central Advisory Board of Archaeology.
20. Central Advisory Board of Anthropology.
21. Coordination Committee on Nagarjuna Konda.
22. Advisory Board for National Atlas and Geographical names.
23. Central Selection Committee for sending Cultural Delegations abroad.
24. Post Graduate Committee.

#### *Ministry of External Affairs*

1. Central Haj Committee.
2. Consultative Committee for the Ministry of External Affairs.
3. Informal Consultative Committee for the Ministry of External Affairs and Ministry of Finance (Joint Committee).

#### *Ministry of Education*

1. Indian Historical Records Commission and its adjuncts, viz., Research and Publication Committee and Local Records Sub-Committee.
2. Historical Documents Purchase Committee.
3. Selection Committee for the award of Fellowships.
4. National Register Committee.
5. Selection Committee for the award of Stipends to candidates of the Department's one-Year Archival Diploma Course.
6. Advisory Committee on the Publication of old records on the History of Indian Education, Growth of Indian Universities, etc.
7. Board of Editors of the Journal 'Indian Archives' published by the Department.
8. National Committee of Archivists.
9. Labour & Social Service Committee.
10. All India Council of Sports.
11. Central Advisory Board of Physical Education and Recreation.
12. Committee on Health Education and Nutrition Education.
- \*13. Committee on Evaluation of Therapeutical Claims of Yoga Practices.
14. Action Committee for the National Physical Efficiency.
15. The Committee for Coordination and Integration of Schemes operating in the field of Physical Education, Recreation and Youth Welfare.
16. Advisory Board of Hindi Encyclopaedia.
17. Hindi Shiksha Samiti.
18. Review and Coordination Committee to evolve terminology in subjects other than legal, scientific and technical.
19. Selection Committee for presentation of free gifts of Hindi books to non-Hindi States.
20. Central Sanskrit Board.

21. Hindi Shorthand Committee.
22. Reviewing Committee.
23. Hindi Examination Committee.
24. Board of Scientific Terminology (The Board has ceased functioning with the setting up of a Standing Commission for scientific and technical terminology).
25. National Council for Women's Education.
26. Children's Literature Committee.
27. Technical Committee for judging of reasonableness of price of prize winning books.
- \*28. Ad hoc Committee for selection of books for the International Exhibition.
29. All India Council for Elementary Education.
30. Advisory Committee for the National Institute of Basic Education.
- †31. Standing Committee of C. A. B. E. on Social Education.
32. Popular Literature Committee.
33. The Price Fixation Committee.
34. National Board of Audio Visual Education.
35. Advisory Board on Social Welfare.
- †36. Selection Committee of the Advisory Board on Social Welfare.
37. Stipend Committee.
38. Shop Committee for refugee handicrafts.
39. National Advisory Council for the Education of the handicapped.
40. Committee on Contracted Hindi Braille Code.
41. The Indian National Commission for Cooperation with Unesco (Set up by the Government of India to advise the Government on matters relating to Unesco).
42. National Advisory Committee in Unesco Major Project on Mutual Appreciation of Eastern Cultural Values (Constituted by the Indian National Commission for Unesco).
43. National Council for Rural Higher Education.
44. Standing Committee of the National Council for Rural Higher Education.
45. Board of Studies for Diploma Course in Rural Services.
46. Board of Studies for Diploma Course in Civil and Rural Engineering.
47. Board of Studies for Agriculture Science Course.
48. Board of Studies for Sanitary Inspector's Course.
49. Board of Examination.
50. Advisory Committee of the Central Institute of Education, Delhi.
51. All India Council for Secondary Education.
52. Central Advisory Board of Education.
53. Emotional Integration Committee.
- \*54. Inter-Ministerial Sub-Committee for Second Commonwealth Education Conference, 1962.
- †55. Inter-Ministerial Committee for allocating Scholarships, Fellowships under Commonwealth Scholarships/Fellowships Plan, 1962-63.

*Ministry of Community Development & Cooperation*

1. Advisory Board on Training.
2. Women's Advisory Committee.
3. Informal Consultative Committee of Members of Parliament.
4. The Central Committee for Cooperative Training, Bombay.
5. The National Cooperative Farming Advisory Board, New Delhi.

*Ministry of Information & Broadcasting*

1. Central Programme Advisory Committee.

2. Central Advisory Board for Music.
3. All India Radio Liaison Committee.
- 4-26 Programme Advisory Committee, Bombay, Calcutta, Madras, Jullundur, Patna, Ranchi, Ahmedabad, Poona, Jaipur, Indore-Bhopal, Delhi, Lucknow-Allahabad, Tiruchi, Trivandrum-Kozhikode, Cuttack, Gauhati, Nagpur, Hyderabad, Dharwar, Simla, Bangalore, Srinagar, Jammu and Rajkot.
- 27-44. Rural Advisory Committee, Delhi, Lucknow-Allahabad, Patna, Ranchi, Jullundur, Jaipur, Indore-Bhopal, Poona-Bombay, Nagpur, Ahmedabad/Baroda, Rajkot, Tiruchi/Madras, Trivandrum/Kozhikode, Hyderabad-Vijayawada, Bangalore-Dharwar, Calcutta, Cuttack and Gauhati.
- 45-56. School Broadcast Consultative Panel, Delhi, Bombay/Poona/Rajkot/Ahmedabad, Calcutta, Bangalore, Madras/Tiruchi, Nagpur, Patna, Lucknow-Allahabad, Trivandrum, Jullundur, Hyderabad/Vijayawada, Jaipur.
- 57-63. Industrial Programme Advisory Committee, Ahmedabad, Bombay Calcutta, Lucknow/Allahabad, Madras, Trivandrum/Kozhikode, Bangalore.
64. Advisory Board for Collected Works of Mahatma Gandhi.
65. Advisory Board for 'Yojna'.
66. Hindi Advisory Committee of the Ministry of Information & Broadcasting.
67. Editorial Board for 'March of India'.
68. Editorial Board for 'Kurukshetra'.
69. Editorial Board for 'Ajkal' (Hindi).
70. Editorial Board for 'Ajkal' (Urdu).
71. Editorial Board for 'Bal Bharti'.
72. Advisory Committee for 'Builders of Modern India' series.
73. Advisory Committee for Speeches and Writings of Netaji.
74. The Central Press Accreditation Committee.
75. Film Advisory Board.
76. Panel Committee for Selection of Laboratories for the processing work of Film Division.
- \*77. Advisory Committee for the production of the Film on 'Acharya P. C. Roy'.
78. Advisory Panel of Central Board of Film Censors at Bombay.
79. Advisory Panel of Central Board of Film Censors at Calcutta.
80. Advisory Panel of Central Board of Film Censors at Madras.
81. Consultative Committee on Film Censorship, New Delhi.
- 82-94. Script Committee for Hindi, Urdu, Punjabi, Gujarati, Marathi, Bengali, Tamil, Telugu, Kannada, Malayalam, Assamese, Oriya and Kashmiri.

#### *Ministry of Defence*

1. The Central Advisory Committee for the Territorial Army and Lok Sahayak Sena.
2. The Central Advisory Committee for the National Cadet Corps.
3. The Central Advisory Committee for the Auxiliary Air Force.
4. Research and Development Advisory Committee.
5. Inter-Services Accommodation Advisory Committee.
6. Committee to advise on problems connected with Punch Card Equipment.
7. Advisory Board for the Military Engineers, Kirkee.
8. Committee of Experts for Dairy Farms.
9. Tableaux and Folk Dances Sub-Committee.

#### *Ministry of Health*

1. Advisory Committee, Hospital for Mental Diseases, Ranchi.
2. Governing Body, All India Institute of Mental Health, Bangalore.



3. Governing Body, Ballabbhai Patel Chest Institute, Delhi.
- \*4. Committee to assess the working of the C.H.S. Scheme.
5. School Health Committee.
6. National Nutrition Advisory Committee.
7. Central Committee for Food Standards.
8. Smallpox Pilot Project Committee.
9. Standing Committee on cleanliness on Delhi.
- \*10. Committee for studying Public Health Engineering Practices and Procedures in foreign countries and for preparing a draft manual for guidance of Public Health Engineers in India.
11. Central Council of Ayurvedic Research.
12. Unani Advisory Committee.
13. Homoeopathic Advisory Committee.
- \*14. Board of Members of Parliament for inspecting the voluntary medical institutions to whom grants have been given for combating T. B., Cancer, Leprosy, etc.
15. Advisory Council of the Delhi Development Authority.
16. Durgs Technical Advisory Board.
17. Drugs Consultative Committee.
18. Central Medico-legal Advisory Committee.
19. Leprosy Advisory Committee.
20. Advisory Committee of the Countess of Dufferin's Fund.
21. Informal Consultative Committee for the Ministry of Health.
22. Central Selection Committee to select candidates for the award of fellowships for higher training abroad.
23. Health Survey and Planning Committee.
24. National Water Supply and Sanitation Committee.
25. Central Family Planning Board.
26. Demographic Advisory Committee.
27. Central Selection Committee for the award of prize for family planning clinics and family welfare workers.
28. Family Planning Communication Action-cum-Research Committee.
29. Committee for reviewing the development and research on oral contraceptives.

#### *Planning Commission*

1. National Advisory Committee on Public Cooperation.
2. Panel on Agriculture.
3. Research Programme Committee.
4. Panel on Education.
5. Panel on Health.
6. Panel on Land Reforms.
7. Informal Consultative Committee of Members of Parliament for Planning.
8. All Party Committee of Parliament for Planning.
9. National Development Council.
10. Panel of Economists.
11. The Scientific Instruments Committee.
12. Advisory Committee on Irrigation, Flood Control and Power Projects.
13. Committee on Transport Policy & Coordination.
14. Committee on Plan Projects.
15. Panel on Ayurveda.
16. Central Committee for Land Reforms.
17. Committee of Scientists.

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